

The Gazette of India

PUBLISHED BY AUTHORITY

No. 4] NEW DELHI, SATURDAY, JANUARY 22, 1955

NOTICE

The undermentioned Gazettes of India Extraordinary were published up to the 15th January 1955 :—

Issue No.	No. and date	Issued by	Subject
9	S. R. O. 113, dated the 9th January 1955.	Ministry of Commerce and Industry	Amendment made in the Second Schedule to the Indian Tariff Act, 1934.
10	S. R. O. 114, dated the 9th January 1955.	Ministry of Finance (Revenue Division).	Amendment made in Notification No. 45-Customs, dated the 12th May 1954.
11	S. R. O. 115, dated the 10th December 1954.	Election Commission, India.	Election Petition No. 258 of 1952.
12	S. R. O. 116, dated the 10th January 1955.	Ditto	Declaration regarding election to fill a vacancy in the House of the People by the Lucknow District (Central) Constituency.
	S. R. O. 117, dated the 10th January 1955.	Ditto	The dates of making nominations, scrutiny of nominations, with drawal of candidature and election, etc. for Lucknow District (Central) Constituency.
	S. R. O. 118, dated the 10th January 1955.	Ditto	Declaration regarding election to fill a vacancy in the House of the People by the Gorakhpur District (North) Constituency.

Issue No	No. and date	Issued by	Subject
	S. R. O. 119, dated the 10th January 1955.	Election Commission, India.	The dates of making nominations, scrutiny of nominations, withdrawal of candidature and election, etc. for Gorakhpur District (North) Constituency.
	S. R. O. 120, dated the 10th January 1955.	Ditto	Declaration regarding election to fill a vacancy in the House of the People by the Kanpur District (Central) Constituency.
	S. R. O. 121, dated the 10th January 1955.	Ditto	The dates of making nominations, scrutiny of nominations, withdrawal of candidature and election, etc. for the Kanpur District (Central) Constituency.
	S. R. O. 122, dated the 10th January 1955.	Ditto	Declaration regarding election to fill a vacancy in the House of the People by the Bahraich District (East) Constituency.
	S. R. O. 123, dated the 10th January 1955.	Ditto	The dates of making nominations, scrutiny of nominations, withdrawal of candidature and election, etc. for the Bahraich District (East) Constituency.
13	S. R. O. 124, dated the 10th January 1955.	Ministry of Commerce and Industry.	Draft Amendment to the Coir Industry Rules, 1954.
14	S. R. O. 125, dated the 11th January 1955.	Election Commission, India.	Civil Appeal No. 51 of 1954.
15	S. R. O. 170, dated the 13th January 1955.	Ministry of Information and Broadcasting.	Corrigendum to notifications Nos. S.R.O. 3650 and 3672, dated the 25th and 30th December 1954 respectively.
	S. R. O. 171, dated the 13th January 1955.	Ditto	Corrigendum to Notification No. S.R.O. 3650, dated the 25th December 1954.
	S. R. O. 172, dated the 13th January 1955.	Ditto	The Central Government orders that certain films shall be deemed to have been certified in all their languages.
	S. R. O. 173, dated the 13th January 1955.	Ditto	The Central Government certifies certain films to be of the description specified therein.

Issue No.	No. and date	Issued by	Subject
16	S.R.O. 174, dated the 14th January 1955.	Delimitation Commission, India.	Final Order No. 20—Amendments in Final Orders Nos. 1 and 5 in respect of number of seats, etc. to the new State of Himachal Pradesh.
17	S.R.O. 175, dated the 14th January 1955.	Ministry of Commerce and Industry.	The Central Government extends the application of notification No. S.R.O. 112, dated the 8th January 1955 to the State of Pondicherry w.e.f. from the date it took effect in India.
18	S.R.O. 176, dated the 12th January 1955.	Ministry of Finance (Deptt. of Economic Affairs.)	The Central Government declares certain investments to be approved investments.
	S.R.O. 177, dated the 15th January 1955.	Ditto	The Central Government specifies certain securities as approved securities.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

ELECTION COMMISSION, INDIA

New Delhi, the 18th January 1955

S.R.O. 183.—It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLI of 1951), incurred by the person whose name and address are given below, as notified under notification No. SR-P/52(3), dated the 12th April, 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively:—

Shri Prathulal Harilal Vasavada, Advocate, 65, Mahatma Gandhi Road, Bombay.

[No. SR-P/52(6).]

By Order,

P. N. SHINGHAL, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 18th January 1955

S.R.O. 184.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I of the Indian Arms Rules, 1951, the Central Government is pleased to specify—

(i) Maharaj Kumar Shri Udaysinhrao Gaekwad, and

(ii) Maharaj Kumar Shri Khanderao Gaekwad,

members of the family of the Ruler of Baroda for the purposes of that entry.

[No. 10-P.IV.]

C. P. S. MENON, Under Secy.

New Delhi, the 18th January 1955

S.R.O. 185.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I of the Indian Arms Rules, 1951, the Central Government is pleased to specify—

- (i) Rajmata Motaba Shri Vagheliji,
- (ii) Rajmata Ranaba Shri Ghauhaniji,
- (iii) Maharani Shri Shekhavatiji,
- (iv) Maharani Shri Sisodaniji,
- (v) Maharani Shri Vagheliji, and
- (vi) Shrimati Pasawnji Saheb,

members of the family of the Ruler of Malpur for the purposes of that entry.

[No. 11-P.IV.]

R. S. BAHL, Under Secy.

MINISTRY OF LAW

New Delhi, the 17th January 1955

S.R.O. 186.—The following Proclamation issued by the Governor of North Rhodesia is published below for general information:—

“NORTHERN RHODESIA

GOVERNMENT NOTICE NO. 318 OF 1954

PROCLAMATION No. 8 OF 1954

THE MAINTENANCE ORDERS (ENFORCEMENT) ORDINANCE (LAWS VOLUME V, CAP. 137).

Whereas it is provided by sub-section (1) of section eleven of the Maintenance Orders (Enforcement) Ordinance that where the Governor is satisfied that reciprocal provisions have been made by the Legislature of any country within the Commonwealth for the enforcement within such country of Maintenance Orders made by the Courts of Northern Rhodesia, the Governor may by Proclamation extend the said Ordinance to such country, and that the said Ordinance shall thereupon apply to such country as though the references to such country and the references to the Secretary of State were references to the Governor or other appropriate authority of such country;

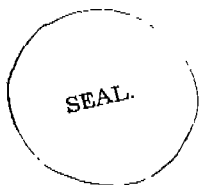
And whereas I am satisfied that reciprocal provisions have been made by the Legislature of the Republic of India for the enforcement within the said Republic, but excluding the State of Jammu and Kashmir, of Maintenance Orders made by the Courts of Northern Rhodesia.

Now therefore, I, ARTHUR EDWARD TREVOR BENSON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Territory of Northern Rhodesia, do hereby declare that from and after the first day of January, 1955, the Maintenance Orders (Enforcement) Ordinance shall extend to Maintenance Orders made by the Courts of the whole of India but excluding the State of Jammu and Kashmir.

GOD SAVE THE QUEEN

Given under my hand and the Public Seal of the Territory at Lusaka this seventeenth day of December, 1954.

A. E. T. BENSON,
Governor.”



[No. F.26(13)/54-L.]

R. S. GAE, Dy. Secy

MINISTRY OF FINANCE**(Department of Economic Affairs)****CORRIGENDUM***New Delhi, the 12th January 1955*

S.R.O. 187.—In the notification of the Government of India in the Ministry of Finance, S.R.O. 2106, dated the 9th June, 1954, published at pages 1676-77 of the *Gazette of India*, Part II—Section 3, dated the 3rd July, 1954, at page 1676—

- (i) for “Chief Inspectress for Secondary Education, West Bengal”, read “Chief Inspector for Secondary Education, West Bengal”;
- (ii) for “Chief Inspector for Women’s Education, West Bengal”, read “Chief Inspectress for Women’s Education, West Bengal”.

[No. F.8(2)-B/54.]

K. C. DAS, Under Secy.

(Department of Economic Affairs)**CORRIGENDUM**

COMPANY LAW AND INVESTMENT ADMINISTRATION

New Delhi, the 14th January 1955

S.R.O. 183.—In this Ministry Notification S.R.O. No. 3502, dated the 26th November 1954, for the name “Shri B. M. Mody”, the name “Shri B. N. Mody” may be substituted.

[No. 17(22)-CL/53.]

S. SUBRAMANIAN, Under Secy.

(Department of Economic Affairs)**CORRIGENDUM***New Delhi, the 17th January 1955*

S.R.O. 189.—In the Statement of Profit and Loss Account of the Reserve Bank of India appearing at the end of the Annual Report of the Central Board of Directors on the working of the Bank and the Accounts of the Bank for the year ending 31st June, 1954, published with the Notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) as S.R.O. 3002, dated the 8th September, 1954 in the *Gazette of India*, Part II, Section 3, dated the 18th September, 1954, the following correction shall be made, namely:—

Against the entry “Rent, Taxes, Insurance, Lighting, etc.” under “Expenditure,” for the figures “1,26,954-9-0” substitute “11,26,954-9-0”.

[No. F.3(50)-F.I/55.]

K. P. BISWAS, Under Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)**CUSTOMS***New Delhi, the 15th January 1955*

S.R.O. 190.—The following draft of certain further amendments in the Customs Duties Drawback (Dry Radio Batteries) Rules, 1954, which the Central Government proposes to make in exercise of the powers conferred by section 43B of the Sea Customs Act, 1878 (VIII of 1878), is published, for the information of persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on the expiry of a period of ten days from the date of publication of this notification in the official Gazette.

2. Any objection or suggestion which may be received by the undersigned from any person with respect to the said draft before the expiry of the period aforesaid will be considered by the Central Government.

Amendments

In the said Rules—

(1) in Rule 5—

(1) for sub-rules (1) and (2) the following sub-rules shall be substituted, namely:—

“(1) A drawback admissible under these rules shall apply only in respect of the goods manufactured by a person registered under, and for the purposes of these rules, by a Chief Customs Officer authorised in this behalf by the Chief Customs Authority (hereinafter referred to as the authorised Chief Customs Officer).

(2) An application for registration shall be made by a manufacturer of the goods to the authorised Chief Customs Officer.”

(ii) for sub-rules (4) and (5) the following sub-rules shall be substituted, namely:—

“(4) The authorised Chief Customs Officer may, if satisfied that the requirements of sub-rule (3) have been fulfilled, register the applicant as a manufacturer for the purpose of these rules.

(5) Subsequent to such registration, the registered manufacturer shall not alter the composition or formula of any brand or variety of the goods, or the quantity of different imported materials used in their manufacture, without the prior approval of the authorised Chief Customs Officer.

(6) Any registered manufacturer contravening the provision of the last preceding sub-rule shall render himself liable to have his registration cancelled, without prejudice to any other penalty to which he may be subject under the Act and these rules.”;

(2) sub-rules (1), (2) and (3) of rule 6 shall be renumbered as sub-rules (2), (3) and (4) respectively of the said rule, and before sub-rule (2) as so renumbered, the following sub-rule shall be inserted namely:—

“(1) Where the Customs Collector is satisfied that a claim for the drawback is established under these rules, such drawback shall be paid at the rate specified hereunder.”; and

(3) for the figure and brackets “(4)” occurring in sub-rule (2) of rule 7 the figure and brackets “(5)” shall be substituted.

[No. 6.]

[F. No. 48(18)-Cus.I/53.]

JASJIT SINGH, Dy. Secy.

ESTATE DUTY

New Delhi, the 18th January 1955

S.R.O. 191.—In exercise of the powers conferred by sub-section (3) of section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby appoints the persons whose names are given in the Appendix as valuers for the purposes of the said Act for a period of three years from the date of this notification:

Provided that any valuer whose appointment expires by efflux of time shall be eligible for re-appointment if he satisfies the conditions relating to the appointment of valuers for the time being in force.

The scale of charges for the remuneration of valuers appointed by the Central Government for valuing any property shall be as fixed below, and no such valuer shall charge a fee at a scale higher than the scale so fixed.

Scale of Charges

- On the first Rs. 50,000 of the property so valued— $\frac{1}{4}$ per cent. of the value.
- On the next Rs. 1,00,000 of the property so valued— $\frac{1}{4}$ per cent. of the value.
- On the balance of the property so valued— $\frac{1}{4}$ per cent. of the value.

APPENDIX

S. No.	Name	Address
<i>I. Engineers/Surveyors/Architects</i>		
1	Shri Banerjee, D.C., B.E., M.I.E. (Ind)	C/o. Chandra Construction Co. Ltd., 12, Old Post Office Street, CALCUTTA-1.
2	Shri Chatterjee, P.C., B.E.	12, Old Post Office Street, CALCUTTA-1.
3	Shri Ghosh, B.K., B.E., C.E., A.M.I.E.	6, Old post Office Street, CALCUTTA-1.
4	Shri Moitra, S.B., B.Sc.(Edin) Eng. C.E.	30-1 Goabagan Lane, CALCUTTA-6.
5	Shri Mookerjee, N.R., B.E., C.E.	156, Rash Behari Avenue, CALCUTTA-29.
6	Shri Mullick, S.N., M.B., M.M.G.L.	"Shankerpur House", P.O. UKHRA, District Burdwan, West Bengal.
7	Shri Abhyankar, P.S., B.E. (Civil), A.M.I.E.	623/10, Sadashiv Peth, POONA-2.
8	Shri Agashe, V.V., B.E (Civil).	183, Shukrawar Peth, POONA-2.
9	Shri Belgaugl, M.H., G.D. Arch., A.I.I.A., A.R.I.B.A. (Lond).	Examiner Press Buliding, 35, Dalal Street, Fort, BOMBAY.
10	Shri Bhansali, M.C., B.E., A.M.I.E. (Ind), A.M.I.St. C (Eng).	94, Meadows Street, Fort, BOMBAY.
11	Shri Bhuta, G.M., A.R.I.B.A., J.P.	Hamam House, 34-38 Hamam Street, Fort, BOMBAY.
12	Shri Chinchankar, K.B., B.Sc., B.E., A.M.I.E.	Shantiniketan, POONA-4.
13	Shri Desai, Sunderlal Motilal, B.E.	Shantiniketan, Near Lalloobhai Park, Andheri, BOMBAY.
14	Shri Desai, R.V., B.E.(Civil).	Luniskeri, Navsari (Western Railway).
15	Shri Dubesh, F.E., B.A., L.C.E., M.I.E (Ind.) F. Sc(Lond).	Yusuf Building (3rd Floor), VEERNARIMAN Road, Fort, BOMBAY-1.
16	Shri Fernandes, J. B., A.R.I.B.A., F.I.I.A.	16, Murzban Road, Fort, BOMBAY.
17	Shri Gandhi Motilal I, L.C.E.	2-4, Apollo Street, Fort, BOMBAY.
18	Shri Gani, Abdul Quadir A, A.R.I.B.A., A.I.I.A.	C/o. Abdul Gani and Company, Wadia Buliding, 17-19 Dalal Street, Fort, BOMBAY.
19	Shri Joglekar, M.V., B.E. (Civil), A.M.I.E.	1311, Shivajinagar, POONA-5.
20	Shri Joshi, L.V., B.E. (Civil).	Hindu Colony, NASIK CITY.
21	Shri Joshi, D.V., B.E. (Civil), A.M.I.E.	Karim Chambers, 42 Hamam Street, Fort, BOMBAY.
22	Shri Kanga, H.N., B.Sc.(Edin), A.M.I.C.E., A.M.I.E.	Soorya Mahal, Junction of Medows Street and Military Square Lane, Fort, BOMBAY.
23	Shri Karbhase, N.D., B.E., A.M.I.E.	936/1, North Sadar Bazar, SHOLAPUR.
24	Shri Lala, C.N., A.I.A.A(Lond).	Cama Buliding, 1st Floor, 9 Ash lane, Fort, BOMBAY.
25	Shri Master, C.M., M.A., F.R.I.B.A., A.M.I.St.E.	Hamam House, 34-38, Hamam Street, Fort, BOMBAY.
26	Shri Macha, T.K., B.E., A.M.I.E(Ind).	Office of the District Local Board, BELGAUM.
27	Shri Mehta, G.V., G.D.Arch., A.I.I.A.	Hassan Chambers, Parsec Bazar Street, Fort, BOMBAY.
28	Shrimati Mistri, P.J., A.I.I.A.	Jehangir Wadia Building, 49-51, Esplanade Road, Fort, BOMBAY.
29	Shri Patel, C.R., B.E.(Civil), A.M.I.E.	Panchmukhi Mahadev's pole, BARODA:
30	Shri Pandit, V.V., B.Sc.(Civil Eng.)	Shivlal Motilal Mansion, 14, Hamam Street, Fort, BOMBAY.
31	Shri Parekh, C.M., B.E., M.I.E.	'Parekh Niwas', Haleer Road, P.O. Bulsar, District Gujrat.
32	Shri Pawar, N.G., B.A., B.E.	769/1 Shivajinagar, POONA-4.
33	Shri Sathe, L.V., A.R.I.B.A.	Hamam House, 34-38, Hamam Street, Fort, BOMBAY.
34	Shri Shah, C.T., B.A., B.E.(Civil), A.M.I.E. (India).	Savita Sadan, 172, Fanas Wadi, BOMBAY-2.
35	Shri Shah, K.S., B.Sc.(Bom), B.Sc.(Lond), A.C.G.I., A.M.I.E.	Maghdoot, 95-B, Marine Drive, BOMBAY-2.

S. No.	Name	Address
36	Shri Shah, S.B., B.E.(Civil).	7—10, Botawala Building, 3rd Floor, Elphinstone Circle, Fort, BOMBAY.
37	Shri Sheth, C.C., B.F.(Civil).	73, Appolo Street, Fort, BOMBAY.
38	Shri Shivdasani, H. B., M.A. (Ctab), Bar-At-Law.	123—25, Mahatma Gandhi Road, Fort, BOMBAY.
39	Shri Talati, V.M., B.E.(Civil).	New Rambhai Mansion, Block No. 3, Sayaji Gunj, BARODA.
40	Shri Thacker Ram Chhodas N., B.E.(Civil), A.M.I.E., A.M.I. Struct. E.(Lond).	Prospect Chambers, Hornby Road, Fort, BOMBAY.
41	Shri Vora, M.K., B.E.(Civil), A.M.I.E.(Ind).	Ali Chambers, Tamarind Lane, Fort, BOMBAY.
42	Shri Narayana, Rao C.R., B.E., A.M.I.E.	Luz-Mylapore, MADRAS—4.
43	Shri Rangaswami, V.S.	32/3 Usman Road, Thyagarayanagar, MADRAS—17.
44	Shri Seshi Iri, N.R., B.E.(Civil), A.M.I.E. (Ind).	17, Wilson Gardens, BANGALORE—2
45	Shri Somayajulu, J.S., B.E.(Civil).	29/14 Thirunankarsu Street, Jagadambal Colony, Lloyds Road, MADRAS.
46	Shri Dutt, S.K., B.Sc., B.E., C.E., M.I.E.	28/59, Rohtak Road, Karol Bagh, NEW DELHI—5.
47	Shri Gupta, Avadh Vehari, B.Sc., C.E. Hons.(Roorkee), M.I.E., I.S.E. (Rctd).	39, Pusa Road, NEW DELHI—5.
48	Shri Hari Chand, C.E., M.I.E.	"Anand Bhawan", Civil Lines, JULLUNDUR CITY.
49	Shri Sud, A.C., B.E.(Civil Eng.), A.M.I.E. (Ind.), B.A.L.L.B.	93-G, Top Floor, Connaught Circus, NEW DELHI—1.
50	Shri Verma, D.S., A.M.I.B.E.(Lond).	"Lakshmi Bhawan", Moti-Katra, AGRA.

II.—Accountants

1	Shri Bandyopadhyay, Radharaman, F.C.A.	23-A, Netaji Subhas Road, CALCUTTA—1.
2	Shri Chatterjee, D.P., B.A., B.Com. (Manchester), F.S.A.A., F.C.A.	10, Old Post Office Street, CALCUTTA.
3	Shri Ghosh, A.K., G.D.A., F.C.A.	6, Old Post Office Street, CALCUTTA.
4	Shri Gutgutia, K.N., Chartered Accountant.	Central Bank Buildings, 33, Netaji Subhas Road, CALCUTTA—1.
5	Shri Nath, Manoj Kumar, F.C.A.	6, Old Post Office Street, CALCUTTA—1.
6	Shri Roy, S.B., F.S.A.A., F.C.A.	1-B, Old Post Office Street, CALCUTTA—1.
7	Shri Suri, Ishar Singh, Chartered Accountant.	1, British Indian Street, (2nd Floor), CALCUTTA.
8	Shri Babur, G.H., B.A., LL.B., F.C.A.	Bombay Mutual Annexe, Fort, BOMBAY—1.
9	Shri Bajaj, N.B., B.Com., F.C.A.	Navsari Building, Hornby Road, Fort, BOMBAY.
10	Shri Bhagwat, P.G., Chartered Accountant.	Jiji House, 17 Raveline Street, Fort, BOMBAY.
11	Shri Kapadia, F.P., G.D.A., F.C.A., J.P.	C/o. Kapadia Damania and Company, Agakhan Building, Dalal Street, Fort, BOMBAY.
12	Shri Kulkarni, D.B., G.D.A., F.C.A.	Audit House, Belgaum.
13	Shri Thacker, Jamnadas V., G.D.A., F.C.A.	Ali Chambers, Tamarind Road, Fort, BOMBAY.
14	Shri Brahmayya, P., B.A., F.S.A.A., F.C.A.	Andhra Insurance Buildings, Thambu Chetty Street, MADRAS.
15	Shri Kurian, V. K., A.C.A.	Kottayam, TRAVANCORE.
16	Shri Narasimhan, K.V., M.A., G.D.A., F.C.A.	295, Thambu Chetty Street, MADRAS.
17	Shri Chatterjee, Abimukta, F.C.A.	Lajpat Rai Road, BANARAS.
18	Shri Agrwala, R.R., A.C.A.	Officiating Under Secretary Economic Affairs Department, Ministry of Finance, NEW DELHI.
19	Shri Ajmera, B.A., B. Com., A.C.A.	Devadiji ka Mandir, Johri Bazar, JAIPUR.
20	Shri Joshi, R.D., Chartered Accountant.	5, Yeshwant Road, INDORE.
21	Shri Mehra, P.C., Chartered Accountant	Katra Ahluwalia, AMRITSAR.

S. No.	Name	Address
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III.—Jewellers

- 1 Messrs. Bapalal and Company, Jewellers . Ramkoti Building, Rattan Bazar, MADRAS.

IV.—Works of Art

- 1 Shri Bendre, N.S. Professor of Painting, Fine Arts College, University Road, BARODA.
 2 Doctor Moti Chand, M.A., Ph.D. . . . Director, Prince of Wales Museum of Western India, BOMBAY.
 3 Shri Slat, H.D., B.A., B.T., G.D.A.(Arts). Inspector of Arts and Crafts and Curator of Museum, Kutch-Bhuj.
 4 Shri Panicker, K.C.S. Instructor, Government School of Arts and Crafts, MADRAS—3.
 5 Shri Ghosh, A., M.A. Director General of Archaeology in India, NEW DELHI.
 6 Shri Gue, Bhabani Charan, A.R.D.S.(Lond), Head of the Department of Art, Mayo College, AJMER.
 7 Shri Sanyal, B.C. Head of the Arts Department, Government of India, Delhi Polytechnic, DELHI.

[No. 1]

R. K. DAS,

Dy. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 15th January 1955

S.R.O. 192.—[55/10/55-IT].—In pursuance of sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue hereby directs that Shri K. S. Sundara Rajan, who has been appointed to be a Commissioner of Income-tax, shall, in addition to the functions assigned to him in the Board's Notifications S.R.O. 3203 (No. 57-Income-tax, dated the 11th October 1954) and S.R.O. 17 (No. 75-Income-tax, dated the 21st December 1954) also perform all the functions of a Commissioner of Income-tax in respect of such areas or such persons or classes of persons or of such incomes or classes of income as were assigned to Shri J. S. A. Raju, a Commissioner of Income-tax, in the Board's Notification S.R.O. 3203 (No. 57-Income-tax, dated the 11th October 1954). While exercising the said functions the said Shri Sundara Rajan shall be designated as Commissioner of Income-tax, Bombay City-II.

This notification shall be deemed to have taken effect on the 9th January 1955.

[No. 4.]

K. B. DEB, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE (Agriculture)

New Delhi, the 11th January, 1955.

S. R. O. 193—In pursuance of the provisions of Rule 22(4) of the Indian Central Coconut Committee Rules, 1945, the Central Government is pleased to publish the following audited accounts of receipts and expenditure of the Indian Central Coconut Committee for the year 1952-53.

Receipts	Amount	Total	Payments.	Amount	Total
	Rs.	Rs.		Rs.	Rs.
Opening Balance as on 1-4-52	3,71,934 5 1				
Less refund of security	100 0 0				
Less publication receipts adjusted	76 5 6				
		3,71,757 15 7			
Coconut cess collected under section 3 of Indian Coconut Committee Act, 1944—Madras	26,777 10 6		I. A. Administration :		
Bombay	82,097 1 0		Salary of Secretary and Staff	43,980 13 0	
Travancore-Cochin	1,52,032 11 0		Allowances and honoraria	22,358 1 0	
		2,60,907 6 6	Leave salary and pension contributions	1,598 1 11	
			I. C. Co. C. Provident Fund contributions	2,105 14 0	
			Contingencies	14,980 5 2	
					85,023 3 1
OTHER RECEIPTS :			B. T.A. of non-official members		6,202 4 0
(i) Publication receipts		4,627 5 9	C. Publicity and Propaganda		18,478 0 10
(ii) Other miscellaneous receipts		330 13 5			
(iii) Farm produce and other receipts			II. AGRICULTURAL RESEARCH :		
			A. Research Stations.		
			(i) C. C. R. S. Kasaragod.		
			(a) Capital expenditure.		
			Payment on account of acquisition of land	1,561 9 0	
(a) C. C. R. S. Kasaragod		48,045 14 0	Lay out	7,174 8 3	
(b) C. C. R. S. Kayamkulam		14,143 4 11			8,736 1 3
(iv) Receipts from the scheme for control of leaf disease of coconut			STORES DEAD AND LIVESTOCK :		
(a) Old scheme		9,822 6 0	Implements, tools, etc.	884 9 0	
(b) Extension scheme		4,387 11 3	Furniture and equipment	1,710 7 5	
			Farm carts	33 2 9	
			Work animal	650 0 0	
			Laboratory equipment	9,485 14 3	
			Meteorological Observatory	5,679 5 3	
			Photographic equipment	5,797 14 0	
Interest on investment of Rs. 2,00,000 @ 1% from 29-5-52 to 14-7-52.		1,000 0 0			24,241 4 8

(b) RECURRING EXPENDITURE :

Staff Salary	55,797	6	0		
Allowance and honoraria	28,105	11	0		
Leave salary and pension contribution	5,852	4	4		
I. C. Co. C. Provident Fund contribution	1,565	0	0		
Contingencies	16,823	9	1		
Working expenses	28,179	15	0	1,36,323	13 5
				<hr/>	
				2,79,004	11 3

(ii) C.C.R.S. Kayangulam.

(a) Capital expenditure:

Building residential and non-residential	1,147	13	8		
Water supply & electric fittings	800	7	0		
				<hr/>	
				1,948	4 8

STORES—DEAD AND LIVESTOCK

Implements, tools etc.	671	0	8		
Furniture and equipment	1,756	8	2		
Laboratory equipment	215	3	0		
				<hr/>	
				2,642	11 10

(b) RECURRING EXPENDITURE

Staff salary	49,465	3	0		
Allowances and honoraria	22,485	0	0		
Leave salary and pension contributions	1,173	1	4		
I. C. Co. C. Provident Fund. contribution	2,508	0	0		
Contingencies	21,050	12	2		
Working expenses	12,663	15	3	1,09,345	15 9
				<hr/>	

Receipt	Amount	Total	Payments	Amount	Total
			(c) SCHEME FOR CONTROL OF LEAF DISEASE OF COCONUT		
				Rs.	Rs.
			(i) Old scheme	8,10 13 3	
			(ii) Extension scheme	4,174 13 9	
					12,335 11 0
			Refund of Government of India loan of Rs. 3,50,000, 1st annuity of payment.		95,288 0 0
			By closing balance current account with Imperial Bank of India . .	1,77,133 8 2	
			<i>Imprest</i> :— Secretary's Office . .	750 0 0	
			C. C. R. S. Kasaragod . .	1,500 0 0	
			C. C. R. S. Kayangulam . .	1,500 0 0	
			Advance recoverable account Office of the Secretary . .	1,323 0 0	
			C. C. R. S. Kasaragod . .	29,080 15 6	
			I. C. Co. C. "Suspense head" caution money deposit . .	50 0 0	
			Advance for purchase of conveyances . .	323 0 0	
			Andaman Advance account . .	2,796 15 3	
					2,14,457 6 11*
		7,15,022 13 5			7,15,022 13 5

*Includes security money deposit of Rs. 150/- Checked and found correct.

(Sd.)
Accountant,
Indian Central Coconut Committee.

(Sd.)
Assistant Accounts Officer (O.A.D.)

(Sd.)
Secretary,
Indian Central Coconut Committee.

[No. F.2-7/54-Com.-I.]

AGRICULTURE

New Delhi, the 13th January 1955

S.R.O. 194.—In exercise of the powers conferred by Section 4(5) (viii) of the Indian Lac Cess Act, 1930, the Central Government hereby nominates Dr. Sadgopal, Officer-in-charge, Chemistry of Forest Products Branch, Forest Research Institute, Dehra Dun, as a member of the Advisory Board of the Indian Lac Cess Committee *vice* Dr. S. V. Puntambekar. Dr. Sadgopal will hold office till the 30th September, 1956.

[No. F.4-8/54-Com-I.]

F. C. GERA, Under Secy.

AGRICULTURE

New Delhi, the 14th January 1955

S.R.O. 195.—In exercise of powers conferred by sub-section (1) of section 3 of the Destructive Insects and Pests Act, 1914 (II of 1914), the Central Government hereby directs that the following further amendment shall be made in the order published with the notification of the Government of India in the late Department of Education, Health and Lands, No. F. 320/35-A, dated the 20th July, 1936, namely:—

In rule 4 of the rules published with the said order, after the words "hydrocyanic acid gas" the words "methyl bromide or ethylene dibromide" shall be inserted.

[No. F.6-22/54-Dte 1.]

S.R.O. 196.—In exercise of the powers conferred by sub-section (1) of section 3 of the Destructive Insects and Pests Act, 1914 (II of 1914), the Central Government hereby directs that the following amendment shall be made in notification of the Government of India in the late Department of Education, Health and Lands No. F.3-5(I)/46-PFS, dated the 30th December, 1943, namely:—

In the Form of Certificate set forth in the Schedule to the said notification, after the words "hydrocyanic acid gas" the words "methyl bromide or ethylene dibromide" shall be inserted.

[No. F.6-23/54-Dte 2.]

S.R.O. 197.—In exercise of the powers conferred by section 4A and 4D of the Destructive Insects and Pests Act, 1914 (II of 1914), the Central Government hereby directs that the following amendment shall be made in notifications of the Government of India in the Ministry of Food and Agriculture (Agri.) No. F.6-7/52-Dte 1(I) and F. No. 6-7/52-Dte 1(II), dated the 5th February, 1953, namely:—

In the Form of Certificate set forth in the Schedule to each of the said notifications, after the words "hydrocyanic acid gas" the words "methyl bromide or ethylene dibromide" shall be inserted.

[No. F.6-24/54-Dte 1.]

New Delhi, the 17th January 1955

S.R.O. 198.—In exercise of powers conferred by sub-section (1) of Section 3 of the destructive Insects and Pests Act, 1914 (II of 1914), the Central Government hereby directs that the following further amendments shall be made in the order published with the notification of the Government of India in the late Department of Education, Health and Lands No. F.320/35-A, dated the 20th July, 1936, namely:—

In rule I(iii) of the said order, for the words "and Tuticorin", the words "Tuticorin and Visakhapatnam" shall be substituted.

[No. F.6-15/54-Dte.1.]

New Delhi, the 18th January 1955

S.R.O. 199.—In exercise of the powers conferred by section 4A and 4D of the Destructive Insects and Pests Act, 1914 (II of 1914), the Central Government hereby directs that the following further amendment shall be made in notification

of the Government of India in the late Department of Education, Health and Lands No. F.16-3/43-A, dated the 28th March, 1944, namely:—

In the Form of Certificate in the Schedule to the said notification after the words "hydrocyanic acid gas" the words "methyl bromide or ethylene dibromide" shall be inserted.

[No. F.6-21/54-Dte.1.]

BALWANT SINGH, Dy. Secy.

(Agriculture)

New Delhi, the 17th January 1955

S.R.O. 200.—In pursuance of clauses (i) and (k) of rule 4 of the General Grading and Marking Rules, 1937, and in supersession of the notification of the Government of India in the Ministry of Food and Agriculture (Agri.) No. F.14-85/53-Dte.II, dated the 18th May, 1954, the Central Government hereby directs that a fee at the rate of anna one per pound of bristles shall be charged for affixing an Agmark label to every package or covering containing bristles:

Provided that in the case of a packet containing a commercial sample of bristles despatched by post weighing more than eight ounces but not more than four pounds, a fee at the flat rate of annas eight per packet shall be levied irrespective of the weight of such packet within the limits aforesaid or the grading of the bristles contained therein.

[No. F.14-85/53-Dte.II.]

SWAMI DAYAL OBEROI, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 12th January 1955

S.R.O. 201.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1933 (XXVII of 1933), the Central Government hereby nominates Major K. N. Rao, M.D., D.G.O., F.C.C.P., F.J.C.S., Primary F.R.C.S. (Eng.), Director of Medical Services, Andhra, to be a member of the Medical Council of India *vice* Dr. M. V. Ramanamurti resigned.

[No. F.5-29/54-Med.]

New Delhi, the 14th January 1955

S.R.O. 202.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with articles 313 and 372 thereof and paragraph 19 of the Adaptation of Laws Order, 1950, the President hereby directs that the following further amendment shall be made in the Medical Officers Fees Rules, 1941, namely:—

In the Schedule to the said Rules in item 8(3) relating to Wasserman reaction for the figure "32" the figures "18" shall be substituted.

[No. F.27-2/53-MI.]

BABU RAM, Under Secy.

New Delhi, the 12th January 1955

S.R.O. 203.—The following draft of further amendments in the Drugs Rules, 1945, which it is proposed to make in exercise of the powers conferred by section 12 of the Drugs Act, 1940 (XXIII of 1940), is published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 15th April, 1955.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendment

In rule 23 of the said Rules, the following provisos shall be added at the end, namely:—

“Provided that any such product imported for *bona fide* personal use but not forming part of *bona fide* personal baggage shall be permitted to be imported without a licence subject to the following conditions, namely:—

- (i) the licensing authority is satisfied that the product is for *bona fide* personal use, and
- (ii) in the opinion of the licensing authority the quantity involved is reasonable for the purpose:

Provided further that any such product shall be permitted to be imported by charitable, medical or research institutions without a licence as a special case subject to the following conditions, namely:—

- (i) the licensing authority is satisfied that it is of standard quality, and that a regular Import Licence cannot be obtained by the importers, and
- (ii) the product is used for the treatment of genuine patients without any distinction, of caste, creed or colour.”

[No. F.1-19/54-D.S.]

New Delhi, the 17th January 1955

S.R.O. 204.—In exercise of the powers conferred by sections 12 and 33 of the Drugs Act, 1940 (XXIII of 1940), the Central Government, after consultation with the Drugs Technical Advisory Board, hereby directs that the following further amendment shall be made in the Drugs Rules, 1945, the same having been previously published as required by the said sections, namely:—

After rule 110 of the said Rules, the following rule shall be inserted, namely:—

“110-A. *Prohibition against altering inscriptions on containers, labels or wrappers of drugs.*—No person shall alter, obliterate or deface any inscription or mark made or recorded by the manufacturer on the container, label or wrapper of any drug:

Provided that nothing in this rule shall apply to any alteration of any inscription or mark made on the container, label or wrapper of any drug at the instance or direction or with the permission of the Licensing Authority.”

[No. F.1-5/-D.S.]

KRISHNA BIHARI, Under Secy.

MINISTRY OF REHABILITATION

New Delhi, the 12th January 1955

S.R.O. 205.—Whereas the Central Government is of opinion that it is necessary to acquire certain evacuee properties in the State of Bombay for the public purpose, being a purpose mentioned in sub-section (1) of section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954);

Now, therefore, in exercise of the powers conferred by the said sub-section, it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the Schedule hereto annexed.

THE SCHEDULE

Serial No.	Description of the evacuee property	Name of the city and locality in which the evacuee property is situate	Name of the evacuee
1	2	3	4
I	209, Janjilkar Street, C. S. No. 26, Mandvi Division, B Ward No. 516, near Zaveri Bazar, Juma Masjid and Sarang Street, Bombay.		Shri Yusuf Ismail 240/27.

2	3	4
2 129, 131-131A Samuel St., C. S. No. 1686, Mandvi Division, B Ward No. 2975-2976, opposite Pydhonle Road, near Masjid Bunder Road, Bombay.		Shri Gulam Mahomed Abdul Genab Calcutta-wala. 240/76.
3 28, Narayan Dhuru St., B Ward No. 912, Awabai House, opposite Beg Md. Baug, near Crossing of Pydhonle Road and Mohamed Ali Road, Bombay.		Smt. Hawabai Haji Mohamed Hussien Haji Ahmed and Jiwabai, Haji Ahmed. 240/174.
4 24, Mutton Street, C. Ward No. 7160, and contains shop of Relief Cleaners, near J. J. Hospital, Bombay.		Sishabai W/o Muly Siddiq Efatimaba W/o Moulvi Amin 240/183.
5 134, Abdul Rehaman St., C. Ward No. 59, C. S. No. 1324 Ebulahwa Div. opposite Nasruwala Manzil, near Central Bank of India Ltd., Masjid Bunder Road, Bombay.		Fakhruddin Valibha 240/82.

[No. 10 (7) SEI/54-P. II.]

New Delhi, the 13th January 1955

S.R.O. 206.—In exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby—

- (a) constitutes a Board to advise the Central Government on matters of policy arising out of the administration of the said Act, and
- (b) appoints the following persons to be the Chairman and other members of the said Board, namely:—

Chairman

1. Dr. Bakshi Tek Chand.

Members

2. Shrimati Sucheta Kripalani, M.P.
3. Giani Gurmukh Singh Musafir, M.P.
4. Pt. Thakurdas Bhargava, M.P.
5. Shri R. K. Sidhwa.
6. Shri Feroz Chand.
7. Dr. Anup Singh, M.P.

[No. F.5(2)S-I/55.]

New Delhi, the 22nd January 1955

S.R.O. 207.—Whereas the Central Government is of opinion that it is necessary to acquire certain evacuee properties in the State of Hyderabad for the public purpose, being a purpose mentioned in sub-section (1) of section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954);

Now, therefore, in exercise of the powers conferred by the said sub-section, it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the Schedule hereto annexed.

THE SCHEDULE

S. No.	Description of the evacuee property	Name of the locality of Hyderabad, Deccan, in which the evacuee property is situated.	Name of the evacuee
1	2	3	4
1.	A-9-891	Himayatnagar	Mr. Abdul Majid Khan.
2.	A-9-894	Do.	Mr. Abdul Majid Khan.
3.	A-9-895	Do.	Mr. Ghousc Pasha.
4.	A-10-184	Do.	Mr. Mohd. Ali.
5.	A-10-678	Do.	Mr. Mahamood Sultan.
6.	A-10-609	Do.	Smt. Azcezunisa Begum.
7.	F-4-835	Red Hill	Mr. Pyar Ali Fazil.
8.	F-4-864	Lakdika Pul	Mr. Hyder Ali Fazil.
9.	F-9-635	Saifabad.	Mr. G. M. Khan.
10.	F-9-403	Red Hill.	Mr. Raziuddin Siddiqui.
11.	F-9-429	Lakdika Pul	Dr. Raziuddin.
12.	B-1-166	Chapel Road	Mr. M. A. Khaliq.
13.	B-1-222	Chirag Ali Lane	Mr. M. A. Khaliq.
14.	B-1-298	King Kothi Road.	Mr. Abdul Razak Khan.
15.	B-1-10	Saifabad.	Mr. Iftiqar Ali Beg.

[No. 10(8)SBI/54.]

S.R.O. 208.—Whereas the Central Government is of opinion that it is necessary to acquire certain evacuee properties in the State of Bhopal for the public purpose, being a purpose mentioned in sub-section (I) of section 12 of the Displaced Persons (Compensation and Rehabilitation), Act 1954 (44 of 1954) ;

Now, therefore, in exercise of the powers conferred by the said sub-section, it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the Schedule hereto annexed.

THE SCHEDULE

S. No.	Description of the evacuee property	Name of the city and locality in which the evacuee property is situated	Name of the evacuee
<i>Bhopal City</i>			
1	House	Jehangirabad	Dr. Jamaluddin.
2	Do.	Talaiya	Mohd. Yunnus.
3	Do.	Jehangirabad	Sadiq Ahmed.
4	Plot	Chobdarpura	Munwar Hussain.
5	House	Jehangirabad	Shakil Ahmed.
6	Plot	Sarai Sikkandari	Sharief Mohd.
7	Do.	Jehangirabad	Ahmedulla Khan.
8	House	Berkheri	Moulavi Abdul Rehman.
9	Do.	Jehangirabad	Feteah Mohd.
10	Do.	Do.	Dr. Shafiq.
11	Do.	Do.	Dr. Shafiq.
12	Plot	Near Museum	Iqbal Ahmed.
13	House	Berkheri	Mst. Masoombi.
14	Do.	Jehangirabad	Mst. Umehani Begum.
15	Do.	Near Hathi Khana	Daulat Hussain.
16	Do.	Patra Ginnori	Abdul Syedkhan.
17	Do.	Retghat	Inamullakhan.
18	Do.	Shahjehanbad	Mst. Hasmat Illahi.
19	Do.	Near Rly. Station	Khan Mohd. Akram.
20	Plot	Motia Tank Jehangirabad.	Izharul Haq.
21	House	Near Khidki Beesa, Hazari	Mirza Munir Beg.

1	2	3	4
<i>Sehore Town</i>			
22	House No. 903	Jasba	Mohd. Ahsan.
23	House No. 991	Ranipura	Mumtaz Ali.
<i>Bhopal City</i>			
24	House	Ameerganj	Dr. Abdul Hameed.
25	Do.	Noor Mahal	Mst. Asmatunnisa Begum.
26	Do.	Ameerganj	Mst. Syeeda Khatoon.
27	Do.	Do.	Mst. Ashraf Jehan Begum.
28	Do.	Noor Mahal	Shamsul Hasan.
29	Do.	Fategarh	Mst. Khali.1-ul-nisa Begum.
30	Do.	Do.	Murtaza Hussain.
31	House-cum-shop	Ibrahimpura	Hameed Raza Khan.
32	House	Pathar near Amami Gate	Mst. Khalil-ul-nisa Begum.
33	Do.	Gali Sheikh Batt	Shaik Karim.
34	Do.	Fategarh	Noor Mohd.
35	Do.	Peer Gate	Rafiq Mohd.
36	Do.	Pathar Boipura, Imami Gate	Dr. Asmatulla.
37	Do.	Near Imami Gate	Sharafat Hussain.
38	Do.	Near Noor Mahal	Mst. Naqui Hussain.
39	Do.	Fategarh	Hadi Hasan.
40	Do.	Chowki Imambara	Nasiruddin.
41	Do.	Balaipura	Mst. Jameela Khatoon.
42	Do.	Noor Mahal Road	Master Habeed Ahmed.
43	Do.	Atta Shuja Khan	Mst. Barket Bi.
44	Do.	Talaiya	Ishaq Hussain.
45	Do.	Chhataipura, Budhwara	Haji Baqulla.
46	Do.	Budhwara	Abdul Rashid.
47	Do.	Gandinala, Talaiya.	Akhlas Hussain.
48	Do.	Near Police-Station Shahjehana- bad.	Abbu Thalla.
49	Do.	Gali Peeterwali, indside Itwara	Abdul Gafoor Khan.
50	Do.	Shahjehanabad	Zaheeruddin.
51	Do.	Ibrahimpura	Dr. Anwar.
52	Do.	Lakherapura	Liaquat Mohd. Khan.
53	Do.	Khawaspura, Shahjehanabad	Abdul Sami.
54	Do.	Atta Shuja Khan	Capt. Haji Abdul Sattar.

[No. 10 (24)-SB/54.]

S.R.O. 209.—Whereas the Central Government is of opinion that it is necessary to acquire certain evacee properties in the State of Rajasthan for the public purpose, being a purpose mentioned in sub-section (1) of Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act 1954 (44 of 1954) ;

Now, therefore, in exercise of the powers conferred by the said sub-section it is notified that the Central Government has decided to acquire, and hereby acquires, the evacee properties specified in Schedule I and Schedule II hereto annexed.

SCHEDULE I

S. No.	Locality	Municipal No. of the property	Name of the evacee owner	Description of the property
1	2	3	4	5
<i>Jodhpur</i>				
<i>Ward No. 1</i>				
1	Loharon ki Masjid	I.II.85	Mohd. Ishaq	House.
2	Gulzarpura	I.II.64	Abdul Ghani	Do.
3	Do.	I.II.65	Shamsuddin	Do.
4	Do.	I.II.60	Sadiq S/o Hanif	Do.
5	Do.	I.II.79	Hanif S/o Gabru	Do.
6	Mertia Silawatan ka Bas	I.2.6	Mohd. Hanif	Do.

1	2	3	4	5
7	Hanumanji ki Bakri	1.4.5	Hidayat Beg	House
8	Do.	1.4.7	Do.	Do.
9	Do.	1.7.85	Attiq Mohammed	Do.
10	Bamba	1.12.1	Mst. Rehmati	Do.
11	Do.	1.9.197	Saman & Sajan	Do.
12	Do.	1.12.20	Zahoor Khan	Do.
13	Bhiction ka Bas	1.4.28	Ahmed Mussa	Do.
14	Telion ka Bas	1.2.45	Abdul Rahim	Do.
15	Kantalion House	1.2.17	Abdul Rehman	Do.
Ward No. 2				
16	Udai Mandir	2.10.33	Sher Mohammed	Do.
17	Do.	2.10.21	Shamsuddin	Do.
18	Do.	2.5.57	Abdul Aziz	Do.
19	Do.	2.9.160	Aziz Ahmed & Mohmud	Do.
20	Do.	2.9.161	Do.	Do.
21	Do.	2.10.150	Mohd. Shafi	Do.
22	Do.	2.9.75	Gisu S/o Pir Bux	Do.
23	Nagori Gate	2-1-21	Lal Khan	Do.
24	Do.	2.1.25	Sharifan Nisa Begum	Do.
25	Do.	2.1.27	Do.	Do.
26	Do.	2.1.35	Ramzan S/o Amir Bux	Do.
27	Do.	2.1.143	Jan Mohd. S/o Gulab Khan	Do.
28	Mabamaton ki Masjid	2.4.57	Ramzu Teli	Do.
29	Do.	2.4.69	Abdul Gani	Do.
30	Julayan ka Bas	2.2.103	Mohamud S/o Nasirkhan	Do.
31	Naya Talab	2.2.103	Rahim Bux	Do.
32	Do.	2.2.81	Gafoor Khan S/o Asgar Ali	Do.
Ward No. 3				
33	Mahawaton ki Masjid	3-4-61	Noor Mohd.	Do.
34	Do.	3.5.121	Sher Khan	Do.
35	Do.	3.5.120	Mohd. Ramzan	Do.
36	Gulabasagar ka Bacha	3.3.64	Manzoor Hassain	Do.
37	Do.	3.3.65	Mohammad	Do.
38	Do.	3.3.217	Mohammad	Do.
39	Do.	3.4.34	Babu Hyat Khan	Do.
(Outside Rajmahal School)				
40	Gulabsagar	3.4.54	Kalu Khan	Do.
41	Do.	3.4.55	Gafoor S/o Chunaji	Do.
42	Gol Nadi	3.9A.62	Kalfiatullah Khan	Do.
43	Do.	3.9A.99	Capt. Ibrahim	Do.
44	Naikan ka Bas	3.7.112	Fakir Mohammed	Do.
45	Do.	3.7.113	Do.	Do.
46	Mian ki Masjid	3.4.105	Gafoor S/o Faiz Md.	Do.
Ward No. 4				
47	Lakharon ka Bas	4.3.70	Abdul Majid	Do.
Ward No. 5				
48	Ghora Chowk	5.1.42	Karim Bux S/o Gulabji	Do.
49	Kantalia House	5.1.6	Mohamad Hanif	Do.
50	Ghas Mandi	5.8.68	Mohd. Ramzan	Shop
51	Mertia Silmonton ka Bas	5.2.34	Sultan Ahmed	House
Ward No. 6				
52	Nisargaron ka Mohalla	6.1.142	Abdul Hakim	Do.
53	Do.	6.1.143	Do.	Do.
54	Gundi ka Mohalla	6.6.196-197	Ghotia & Jan Mohd.	Shop-cum-Residence.
Ward No. 7				
55	Naikon ka Bas	7.10.12	Abdul Razak S/o Nowkhan	House.

1	2	3	4	5
<i>Ward No. 8</i>				
56	Khandafalsa . . .	8.1.135	Jafar Khan . . .	House.
<i>Ward No. 9</i>				
57	Chobdaraon ka Mohalla	9.2.98	Ishaq Mohd. . . .	Do.
58	Do. . . .	9.4.59	Rahim Bux	Do.
59	Do. . . .	9.4.58	Noor Mohd. . . .	Do.
60	Nagori Silawatn ka Bas	9-4-149	Mohd. Sadiffq & Ramzan	Do.
61	Byoparion ka Bas . .	9.3.42	Amiruddin & Barkat	Do.
62	Kharalon ka Mohalla .	9.2.105	Kasim & Hashim . .	Do.
63	Khiradion ki Masjid .	9.4.33	Ismail S/o Karim . .	Do.
<i>Ward No. 10</i>				
64	Jalap Mohalla . . .	10.2.154	Fakir Mohammad . .	Do.
<i>Ward No. 11</i>				
65	Jalori Gate	11.6.39	Atta Hussain	Do.
66	Do. . . .	11.6.30	Abdul Majid	Do.
67	Baiji ka Talab . . .	11.6.78	Mehboob Khan . . .	Do.
68	Sindhion ka Bas . . .	11.5.180	Hanif and Gafoor . .	Do.
69	Do. . . .	11.5.181	Do. . . .	Do.
70	Do. . . .	11.5.168	Do. . . .	Do.
71	Jhalaiyon ka Mohalla	11.10.133	Kalu s/o Azim	Do.
72	Bhition ka Bas . . .	11.10.141	Abdul Shakoor . . .	Do.
73	Ghanchion ka bas . .	11.10.119	Faiz Mohammad . . .	Do.
<i>Ward No. 12.</i>				
74	Sardarpura Road C. .	12.16.75 on plot No. 447	Rahim Bux	Do.
75	Sardarpura	12.3.64	Mohamad Hanif . . .	Do.
76	Do. . . .	12.7.83 and 84	Do. . . .	Do.
77	Do. . . .	12.13.72	Do. . . .	Do.
78	Do. . . .	12.11.18 (Road 6 & 7).	Mohd. Latif	Do.
79	Do. . . .	12.5.120 Road No. 11)	Lal Khan	Do.
80	Do. . . .	12.5.55	Kalu Khan	Do.
81	Do. . . .	12.8.51 (on plot No. 549).	Abdul Gafoor	Do.
82	Do. . . .	On plot No. 228	Mohd. Hanif	One room and open Plot.
83	Do. . . .	Do. 13	Mohammadi Jan . . .	Shops-cum- residences.
84	Do. . . .	Do. 82	Atta Hussain	House
85	Do. . . .	Road 1st C. on plot No. 163	Abdul Shakoor . . .	Do.
86	Do. . . .	Road 1st C on plot No. 164	Do. . . .	Do.
87	Do. . . .	Road 2 on plot 89 H. No. 12.2.26	Mazhar Hussain . . .	Do.
<i>Ward No. 14</i>				
88	Ratanada	On plot No. 277	Abdul Hakim	Do.
89	Do. . . .	Do. 129	Faiz Khan	Do.
90	Do. . . .	14.22.90	Md. Shafi	Do.
91	Do. . . .	14.12.60	Zahoor Ahmed . . .	Do.
92	Do. . . .	On plot No. 77	Abdul Karim	Do.
93	Do. . . .	Plot No. 229	Mohammad Hanif . .	Open plot
94	Do. . . .	On plot No. 123C	Zahoor Md. . . .	House
95	Shiv Road	Plot No. 276	Abdul Azim	Open plot

1	2	3	4	5
<i>Ward No. 15</i>				
96	Maha Mandir . . .	15.4.36	Surfabali & Asghar Ali . . .	House
97	Do.	15.4.97	Do.	Do.
98	Do.	15.4.38	Do.	Do.
99	Do.	15.5.167	Do.	Do.
100	Do.	15.5.103	Do.	Do.
101	Do.	15.5.125	Zahoor Ahmad s/o Shakoora	Do.
<i>Ward No. 4</i>				
102	Girdi kot	4-12-23	Abdul Gani	House-cum-shop

SCHEDULE II

S. No.	Locality	Municipal No. of the property	Name of the evacuee owner	Description of the property
<i>Jodhpur</i>				
<i>Ward No. 1</i>				
1	Patron ka Bas . . .	1.14-17	Amuchand	House
2	Bomba	1.12-2	Abdul Shakoora s/o Abdul Hakim.	Do.
3	Do.	1.1.25	Mohmed Ismail s/o Amir Mohmed.	Do.
4	Do.	11.2.23	Do.	Do.
5	Gulzarpura	1.12.52	Aziman w/o Faqir Mohal . . .	Do.
6	Do.	11.2.73	Faqir Mohmed s/o Fateh Mohd.	Do.
7	Do.	1.11.7/8	Mahar Ali	Do.
8	Gulzarpura Khania . .	1.12.82	Mohammed	Do.
9	Khania Patron ka Akhara	1.10.131	Abdul Karim	Do.
<i>Ward No. 2</i>				
10	Nagori Gate	2.1.26	Sharifan Nisa Begam . . .	Do.
11	Do.	21.1.37	Do.	Do.
12	Do.	21.1.15	Ibrahim s/o Ismail	Do.
<i>Ward No. 3</i>				
13	Gole Nadi	3.9A. 5	Bashir Khan & Sikander . . .	House
14	Do.	3.9A. 97	Mst. Bisimillah	Do.
15	Naikon ka Bas . . .	3.7.170	Faqir Mohmed	Do.
<i>Ward No. 4</i>				
16	Lakharon ka Bas . . .	4.4.137	Abdul Gafoor	Do.
17	Do.	3.4.89/86	Zahoor Mohmed	Do.
18	Staron ka Bas . . .	4.9.175	Slim s/o Gani Rahim Bux	Do.
<i>Ward No. 6</i>				
19	Sur Sagar	6.1.6 12.1.6	Masi Khan	Do.
<i>Ward No. 8</i>				
20	Kasayon ka Bas . . .	8.1.7	Gafoor s/o Hussain	Do.
21	Sindhion ka Bas . . .	8.2.216	Abdul Satar	Do.
<i>Ward No. 9</i>				
22	Khairadion ka Bas . .	9.2.110	Widow of Ilalhi Bux Pinjara	Do.
23	Nagori Silawatun ki Bari	9.4.93	Maqsood Ali s/o Mubarak . .	Do.
24	Do.	9.14.52	Allah Noor s/o Hussain Noor	Do.
<i>Ward No. 11</i>				
25	Baii ka Talab	11.8.84	Mohmed Ishaq s/o Fateh Mohmed.	Do.
26	Ghanchion ka Bas . . .	11.10.132	Babu & Din Mohmed . . .	Do.

1	2	3	4	5
	<i>Ward No. 12</i>			
27	Sur Sagar	12.1.28	Mohmd Shaif	House
28	Do.	12.1.26	Mst. Sakina	Do.
	<i>Ward No. 14</i>			
29	Ratanada	14.2.10	Ishab Ali s/o Madad Ali .	Do.
	<i>Ward No. 15</i>			
30	Mahamandir	15.4.37	Sarbfa Ali & Ashar Ali .	Do.
31	Do.	15.1.61	Hasmat Ali s/o Gaffoor Ali	Do.

[No. F. 10 (8)/S-I/55.]

S.R.O. 210.—Whereas the Central Government is of opinion that it is necessary to acquire certain evacuee properties in the State of Rajasthan for the public purpose, being a purpose mentioned in sub-section (I) of section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954);

Now, therefore in exercise of the powers conferred by the said sub-section it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in Schedule I and Schedule II hereto annexed.

SCHEDULE I

Serial No.	Name of the Mohalla	Municipal No. of the property	Name of the evacuee owner	Description of the property
<i>Jaipur</i>				
<i>'C' Scheme</i>				
1	Bhagwandas Road . . .	411-Wali Manzil	Wali Mohammed . . .	Bungalow.
<i>Havali Shahr</i>				
2	Moti Doongri Road . . .	466-1186-1187-1188.	Abdul Sattar . . .	Shops-cum-residences.
<i>Outside Sanganer Gate</i>				
(Opposite Abdul Sittar Building)				
3	Moti Doongri Road . . .	1196 . . .	Yakub Khan . . .	House.
4	Do.	329-330 and 931-932.	Mst. Sabida Begam . . .	2 shops, one house and nohra.
5	Kamelon ki Galli . . .	173/6 . . .	Wali Mohd. Allaha Noor .	House.
6	Do.	749 . . .	Allah Noor . . .	Do.
7	Do.	1627-28 . . .	Mohd. Khan . . .	Do.
8	Do.	289-287-1624-1626.	Alimuddin . . .	Shops-cum-House.
9	Fateh Tibba (Regional Settlement Office)		Mahir Ali . . .	Bungalow.
<i>Chaukri Ramchanderji</i>				
10	Cheetanwalan . . .	4257 . . .	Kamir Nissar d/o Ashfaq Hussain.	House.
11	Do.	4070 to 4071 . . .	Asgari Begam . . .	Do.
12	Do.	4072 . . .	Do.	Do.
13	Do.	4279 to 4281 . . .	Abdul Ghani . . .	Do.
14	Do.	4303 . . .	Sitaulddin . . .	Do.
15	Takia Mulang Shah . . .	4418 . . .	Zahir Hussain . . .	Do.

I	2	3	4	5
<i>Chokri Ramchanderji</i>				
16	Handipura . . .	4713-Khalil Manzil.	Rafiq Ahmed s/o Ahmad . . .	House.
17	Do. . . .	4703 . . .	Raizuddin	Do.
18	Do. . . .	3449 . . .	Abdul Haq	Do.
19	Purana Tabela . . .	3671 . . .	Mohd. Hussain	Do.
20	Telian	3955 . . .	Kazi Abdullah	Do.
21	Do. . . .	3894 . . .	Hakim Azim Ali	Do.
22	Kumaharan	2850 . . .	Ikhlaq Hussain, Ishaq Hussain	Do.
23	Do. . . .	3848-3849 . . .	Makbool	Do.
24	Do. . . .	2873 . . .	Faiz Ali	Do.
25	Do. . . .	2894 . . .	Khurshed Ali	Do.
26	Do. . . .	3861 . . .	Raizul Ambia	Do.
27	Do. . . .	2919 to 2923 . . .	Akil Mohammed	(Two shops and one house.)
28	Silawatan	3409 . . .	Abdul Rashid	House.
29	Do. . . .	3402 . . .	Mohd. Sadiq	Do.
30	Do. . . .	3390 . . .	Abbeda Begam	Do.
31	Jogion ka Tibba . . .	2807 . . .	Muzafer Ali	Do.
32	Fakir Badshah . . .	2612 to 2621 . . .	Haji Kallan	5 shops and one flat.
33	Kantyon ka Khura . . .	2883 to 2885 . . .	Mohd. Hussain s/o Moula Bux	House.
34	Sandiyon ka Tibba . . .	1886 . . .	Hussain Ahmed	Do.
35	Do. . . .	1878 . . .	Nazir Ahmed	Do.
36	Do. . . .	1768 . . .	Sardar Ali s/o Turab Khan	Do.
37	Bhatton ki Galli . . .	2023 . . .	Mustaffa Hussain	Do.
<i>Tripulia Bazar</i>				
38	Opp. Sarga Suli . . .	76-77-78 . . .	Abdulla. Allah Bux and Gulam Rasul. . . .	Shops-cum flat.
<i>Chakri Modi Khana</i>				
39	Maniharon ka Rasta . . .	118 . . .	Mohd. Yasin and others	Shop-cum-flat.
40	Do. . . .	1813 . . .	Sadrudin	House.
41	Do. . . .	570 . . .	Hakim Fazul Rehman	Do.
42	Lohron ki Gali (near Kishore Cutting Ceylone).	1492 . . .	Abdul Sittar	Do.
<i>Chaukri Sarhad</i>				
43	Gangauri Bazar . . .	682-683 . . .	Mohd. Yasin and others	Shop.
44	Do. . . .	684 . . .	Do. . . .	Do.
<i>Chandpole Bazar</i>				
45	Between Nahargarh Road and Gobind Rajaon ka Rasta.	430-431 . . .	Do. . . .	Shop-cum-residences.
46	Near Bata Company . . .	2197 . . .	Fateh Mohd. Ismail Allah Beli	Shop.
47	Do. . . .	2048 . . .	Abdul Jalil s/o Rahim Bux	Shop-cum-residence.
<i>Chaukri Tophkhana Desh</i>				
48	Khazancwalon ka Rasta . . .	1870-1871-1872 . . .	Gulab & Karim Bux	Shop-cum-residence.
<i>Outside Chandpole Gate</i>				
49	Behind Burmah Shell Co. . .	765-766-767 . . .	Haji Rahim Bux & Hajichan	Shops-cum-residence.
<i>Chaukri Gangapole</i>				
50	Khandar ka Rasta . . .	905/3 . . .	Rafiq Ahmed	House.
51	Amber Road	608/2 . . .	Shabir Hussain	Do.

1	2	3	4	5
<i>Chaukri Top Khana Haguri</i>				
52	Babu ka Tibba . . .	325 . . .	Masita Begam . . .	House.
53	Do.	3727 . . .	Abdul Salam & his wife Khatoon . . .	Do.
54	Do.	3781 to 3788 . . .	Altaullah Khan . . .	Shops-cum-residence.

SCHEDULE II

Serial No.	Name of the Mohalla	Municipal No. of the property	Name of the evacuee owner	Description of the property
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*Jaiपुर**Chaukri Ramchanderji*

1	Ghora Nikas Road . . .	4955-56-57 . . .	Nasiruddin	House.
2	Takia Mulang Shah . . .	Opp. H. No. 4375 . . .	Aziz	Plot.
3	Do.	Do.	Muna	Do.
4	Do.	Do.	Habib	Do.
5	Cheetanwalan	3761-62 . . .	Imamuddin	House.
6	Do.	4047	Abdul Basad	Do.
7	Do.	4273	Latif	Do.
8	Do.	4274	Nur Mohammad	Do.
9	Do.	4275	Faiz Mohammed	Do.
10	Phuta Khura	Between No. 3788 to 3789 . . .	Mst. Bismillah	Hut.
11	Do.	3000	W/o Mohammed Bux	House.
12	Do.	Inside H. No. 2657 . . .	Mst. Kariman	One room.
13	Do.	Inside H. No. 2765 . . .	Zia s/o Abdul Ghafoor	House.
14	Do.	3801-3802 . . .	Abdul Ghafoor	Do.
15	Chabak Sawaran	2758	Khurshid Ali	Do.
16	Do.	2802	Hakim Wahid Ali	Do.
17	Handipura	4734	Allahdin	Do.
18	Do.	3482	Amir Bhisti	Do.
19	Do.	4616-4617 . . .	Ismail	Huts.
20	Do.	3647	Mohammed Hussain	House.
21	Purana Tabela	3653	Mst. Muna	Do.
22	Farashan	Portion in 3100 . . .	Mst. Zibboo	Room.
23	Jogion ka Tibba	2775	Anwar Beg	House.

Chaukri Gangapole

24	Khandar ka Rasta . . .	1020	Allahdin Mistri	House.
25	Do.	1025	Shakoori	Do.
26	Do.	Near H. No. 944 . . .	Iqbal Hussain	Plot.
27	Nalbandan	Portion of 889 . . .	Mst. Saidan	House.

Ajmeri Gate

28	Namak ki Mandi . . .	.... .	Yasin Mirza	Plot.
29	Do. . . . .	.... .	Azam Khan	Hut & Plot.
30	Ganda Nala . . . . .	.... .	Sadiq Usman	Hut.
31	Do. . . . .	.... .	Jumma s/o Kalu	Hut fallen.
32	Do.	4414	Mst. Mafiya	Hut.
33	Do. . . . .	.... .	Ishaq & Abdul Aziz	Two plots.
34	Do. . . . .	.... .	Mithoo	Hut.

I	2	3	4	5
<i>Chaukri Topkhana Desh</i>				
35	Bhindaon ka Rasta	2600 2601 2602	Zahoor and Ibrahim	One house and two shops.
36	Kalyanji ka Rasta . . . . .	....	Dilshad Ali	Plot.
37	Neddar Rao ka Rasta	3812	Kalan Khan	House.
38	Do.	3905	Zahoor and Mohammed	Do.
<i>Purani Basti</i>				
39	Birham Puri (Bara Mori)	359	Inayat Khan	House.
40	Near Nahargarh Fort	4272	Allahdin s/o Abdullah	Hut.
41	Do.	4269	Nurji Nilgar	House.
42	Do.	4235	Husena s/o Ramzan Nilgar	Do.

[No. F.10(8)-S-1/55/1.]

CORRIGENDUM

New Delhi, the 15th January 1955

S.R.O. 211.—In the *Gazette of India*, Part II—Section 3, dated the 15th January 1955, Notification No. 10(10)SB/54, published as S.R.O. 159, under the Schedule—

- (i) Against Serial No. 6 in column 4—Description of Property—for “Residential Business-cum-Industrial Premises” substitute “Industrial Establishment (Gota Machine etc.) only on the ground floor of the premises”.
- (ii) Against Serial No. 16 in Column 3—Ward No. and Property No.—after the words “AMC.IV/45” add the words “less the portion owned by K. B. Abdul Qayum (non-evacuee)”.

[No. F.10(10)SI/54.]

M. L. PURI, Under Secy.

New Delhi, the 18th January 1955

S.R.O. 212.—Whereas the Central Government is of opinion that it is necessary to acquire certain evacuee properties in the State of Hyderabad for the public purpose referred to in sub-section (1) of section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954);

Now, therefore, in exercise of the powers conferred by the said sub-section, it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the Schedule.

THE SCHEDULE

All evacuee properties consisting of agricultural lands in the State of Hyderabad except all such properties falling under any one or more of the following categories:—

(1) any such property—

- (i) in respect of which proceedings are pending before any authority at the date of this notification under the Administration of Evacuee Property Act, 1950 (XXXI of 1950) in which the question at issue is whether the property is or is not evacuee property; or
- (ii) in respect of which the period of limitation, if any, fixed for an appeal or revision under the said Act for disputing the vesting of the property in the Custodian as evacuee property has not expired.

(2) any such property in respect of which an application for the grant of a certificate under sub-section (1) of section 16 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) is pending at the date of this notification or

in respect of which the period of limitation fixed for making such application has not expired.

(3) any such property which has been restored under section 16 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) or in respect of which an application under sub-section (2) of that section for its restoration is pending at the date of this notification.

(4) any such property which before the date of this notification has been transferred and the transfer is effective under section 40 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) or in respect of which any proceedings are pending at the date of this notification under that section.

(5) any such property which is a composite property within the meaning of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951).

(6) any such property in respect of which any proceedings are pending in a Civil Court wherein the question at issue is whether the property is evacuee property or not.

(7) any such property which at the date of this notification is being treated or is being managed as a trust property for a public purpose of a religious or charitable nature under sub-section (1) of section 11 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

[No. S III-59(5) 54-I.]

S.R.O. 213.—Whereas the Central Government is of opinion that it is necessary to acquire certain evacuee properties in the State of Hyderabad for the public purpose referred to in sub-section (1) of section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954);

Now, therefore, in exercise of the powers conferred by the said sub-section, it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the Schedule.

THE SCHEDULE

All rural houses in village *abadis* in the State of Hyderabad, that is to say, houses situated in any area in that State outside the limits of a corporation, a municipality, a municipal committee, a notified area committee, a town area or a small town committee or a cantonment as those limits existed on the 15th August, 1947, which have been declared or deemed to have been declared as evacuee properties under the Administration of Evacuee Property Act, 1950 (XXXI of 1950) except all such properties falling under any one or more of the following categories:—

(1) any such property—

(i) in respect of which proceedings are pending before any authority at the date of this notification under the Administration of Evacuee Property Act, 1950 (XXXI of 1950) in which the question at issue is whether the property is or is not evacuee property; or

(ii) in respect of which the period of limitation, if any fixed for an appeal or revision under the said Act for disputing the vesting of the property in the Custodian as evacuee property has not expired.

(2) any such property in respect of which an application for the grant of a certificate under sub-section (1) of section 16 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) is pending at the date of this notification or in respect of which the period of limitation fixed for making such application has not expired.

(3) any such property which has been restored under section 16 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) or in respect of which an application under sub-section (2) of that section for its restoration is pending at the date of this notification.

(4) any such property which before the date of this notification has been transferred and the transfer is effective under section 40 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) or in respect of which any proceedings are pending at the date of this notification under that section.

(5) any such property which is a composite property within the meaning of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951).

(6) any such property in respect of which any proceedings are pending in a Civil Court wherein the question at issue is whether the property is evacuee property or not.

(7) any such property which at the date of this notification is being treated or is being managed as a trust property for a public purpose of a religious or charitable nature under sub-section (1) of section 11 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

[No. S III-59(5) 54-II.]

N. C. SHRIVASTAVA, Jt. Secy.

MINISTRY OF TRANSPORT

(Transport Wing)

New Delhi, the 11th January 1955

S.R.O. 214.—In pursuance of the powers conferred by section 4 of the Delhi Road Transport Authority Act, 1950 (XIII of 1950), the Central Government hereby nominates Shri S. C. Murgai, Director of Supplies in the Directorate General of Supplies and Disposals, to be a member of the Delhi Road Transport Authority, *vice* Shri I. N. Khanna resigned.

[No. 18-TAG(15)/54.]

C. PARTHASARATHY, Dy. Secy.

(Transport Wing)

MERCHANT SHIPPING

New Delhi, the 17th January 1955

S.R.O. 215.—In pursuance of clause (a) of sub-section (1) of section 213B of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby declares that the Governments of the Federal Republic of Germany and Cuba have accepted the Safety Convention as defined in clause (d) of section 213-A of the said Act, that is to say, the Convention for the Safety of Life at Sea signed in London on the tenth day of June, nineteen hundred and fortyeight, as amended from time to time.

[No. 46-MA(7)/54.]

S. K. GHOSH, Dy. Secy.

MINISTRY OF PRODUCTION

CORRIGENDUM

New Delhi, the 15th January 1955

S.R.O. 216.—In the notification of the Government of India in the Ministry of Production, No. S.R.O. 3146, dated the 25th September, 1954, published at pages 2346 to 2361 of the *Gazette of India*, Part II—Section 3, dated the 2nd October, 1954, in line 2 of the preamble at page 2346, *after* the expression "Coal Mines (Conservation & Safety) Act, 1952 (XII of 1952)" appearing in the preamble of the said notification, insert the expression "and in supersession of the Coal Mines Safety (Stowing) Rules, 1939".

[No. 24-CI(2)/52.]

K. N. NAGAR, Under Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 18th January 1955

S.R.O. 217.—In exercise of the powers conferred by sections 5 and 7 of the Indian Explosives Act, 1884 (IV of 1884), the Central Government hereby directs that the following further amendments shall be made in the Explosives Rules,

1940, the same having been previously published as required by section 18 of the said Act, namely:—

In the said Rules—

- (a) In column 3 of Article 4 of Schedule IV, for the figures and word "100 detonators", the figures and word "200 detonators" shall be substituted.
- (b) In Form J of the forms set forth in Schedule V, in the third column of condition 1, for the figures "100" the figures "200" shall be substituted.

[No. S&PII-103(I)/54.]

U. N. SRIVASTAVA, Under Secy.

MINISTRY OF LABOUR

New Delhi, the 12th January 1955

S.R.O. 218.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints with effect from the afternoon of the 29th June 1954, Shri Mohamed Rahamathulla, Commissioner of Labour, Mysore, to be an Inspector for the whole of the State of Mysore, in addition to his own duties, for the purposes of the said Act, and of any Scheme made thereunder, in relation to factories within that State engaged in a controlled industry or in an industry connected with a mine or an oilfield, *vice* Shri B. S. Puttaswamy (retired).

[No. PF.516(36) 52-I.]

S.R.O. 219.—In pursuance of the provisions of paragraph 20 of the Employees' Provident Funds Scheme, 1952, made under section 5 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints Shri Mohamed Rahamathulla, Commissioner of Labour, Mysore, to be the Regional Provident Fund Commissioner for the whole of the State of Mysore with effect from the afternoon of the 29th June, 1954 to work under the General control and superintendence of the Central Provident Fund Commissioner, *vice* Shri B. S. Puttaswamy (retired).

[No. PF-516(36)52-II.]

TEJA SINGH SAHNI, Under Secy.

New Delhi, the 12th January 1955

S.R.O. 220.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal, (Colliery Disputes) in the matter of an application under section 33A of the said Act from Shri Parbati Sankar Mukherjee, a workman of the Bararee Colliery.

ALL INDIA INDUSTRIAL TRIBUNAL (COLLIERY DISPUTES), CALCUTTA

In the matter of applications under sections 33 and 33A of The Industrial Disputes Act, 1947

PRESENT

Shri J. N. Majumdar.—*Chairman.*

Prof. H. R. Batheja.—*Member.*

Shri S. P. Chopra.—*Member.*

PARTIES

APPLICATION No. 352 OF 1954 U/s 33

East Indian Coal Co., Ltd., Owner of Bararee, Jealgora and North Jealgora (No. 46) P.O. Jealgora, Distt.—Manbhum.—*Applicant.*

Vs.

Parbati Sankar Mukherjee, Clerk, Jealgora Office, Bararee Colliery, P.O. Jealgora, Distt.—Manbhum.—*Opposite Party.*

APPLICATION No. 14 of 1954 U/s 33A.

Parbati Sankar Mukherjee.—*Complainant*

Vs.

East Indian Coal Co., Ltd.—*Opposite Party.*

APPEARANCES

Shri K. B. Basu, Counsel, assisted by Shri P. K. Majumdar, Office Manager of the Company.—*For the Company.*Shri D. L. Sen Gupta, Advocate, Assisted by Shri S. B. Sen, General Secretary, East Indian Coal Co., Workers' Union.—*For the Workman.*

DECISION

(Dated the 30th day of December, 1954)

Application No. 352 of 1954 under section 33 and Application No. 14 of 1954 under section 33A of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) were taken up together with the consent of the parties. In application No. 352 the East Indian Coal Co., Ltd., seeks permission to dismiss the Opposite Party, Parbati Sankar Mukherjee, who was working as a Ration Clerk in the Rationing Section of the Company's Jealgora Office and in the latter Parbati Sankar Mukherjee complains that he was dismissed on 7th May 1954, in contravention of section 33 and with improper motives and as such he claims reinstatement.

2. At the time of the hearing both the parties wanted to amend their respective applications and by consent of parties the amendments were allowed. In the case of application No. 352 under section 33 the Company amended its prayer by adding the words "or in the alternative to discharge" after the word "to dismiss". In application No. 14 of 1954 under section 33A the amendment was by substituting the words "suspended" or "suspension" or "suspending" in the place of the words "dismissed", "dismissal", or "dismissing" wherever they occurred.

3. The case of the Company is that Parbati Sankar Mukherjee, who will be referred to hereinafter as Mukherjee, was a Ration Clerk in the East Indian Coal Co. Ltd. On 7th April 1954 at 11-30 A.M. he entered the Rice Godown without any authority and created a scene which was unbecoming, shouting in the presence of workers accusing the Rice Godown In-charge of deliberately giving short weight and also threatened the Rice Godown In-charge.

4. On receipt of a complaint from the godown in-charge, the Colliery Superintendent, Howieson, sent for Mukherjee and in the presence of P. K. Majumdar, Office Manager, enquired about the allegations and on Mukherjee stating that he was joking, the Colliery Superintendent pointed out the seriousness when Mukherjee admitted his fault and apologised and the matter was not proceeded any further.

5. On 26th April 1954 the Colliery Superintendent received a letter from the General Secretary, East Indian Coal Co., Workers' Union, forwarding a copy of the letter of 20th April 1954 addressed to him by Mukherjee in which he made various false allegations against the Colliery Superintendent and the Office Manager, P. K. Majumdar, whereupon the Company desired to have a thorough investigation made into the matter and the Dy. Colliery Superintendent, Evans, and the Welfare Officer, Biswas, were asked to do the same.

6. Mukherjee was thereupon charge-sheeted on 3rd May 1954 to which he replied on 5th May 1954 and an enquiry was held on 6th May 1954 and he was suspended on 7th May 1954 pending enquiry. A report of the enquiry was submitted by the Welfare officer on 10th May 1954. But, in the meantime, Mukherjee having made a complaint that he was coerced to make a statement, he was given another opportunity to make a statement, to which he declined and a further report was made by the Welfare Officer on 17th May 1954. The matter was fully considered by the Dy. Colliery Superintendent and he was suspended without pay on 20th May 1954 from the date of this letter pending permission of the Tribunal to dismiss him in the interest of maintenance of discipline.

7. The case of Mukherjee is that the charge of interference with the distribution of ration on 7th April 1954 was false and there is nothing wrong in his telling the people in charge not to give less rations, having regard to the past conduct of the Ration Issue Clerks of the Rice Godown when the matter was investigated into before and certain malpractices were discovered. In any event,

this charge was condoned, but was taken up again by the Company with a view to punish him for the complaint that he had made to the General Secretary of the East Indian Coal Co., Workers Union, of which he is an active member, against the Office Manager, P. K. Majumdar, for insulting him on 8th April 1954. He was dismissed on 20th May 1954. It is a case of victimisation.

8. It is clear from the statements that on 7th April 1954 there was an incident in the Ration Shop when Mukherjee complained about the short weight being given to the workers. It is also clear that on the next day he was sent for and the Colliery Superintendent questioned him about the incident of the day before and his conduct and the matter was not proceeded with further till 26th April 1954 when a copy of the letter of 20th April 1954 of Mukherjee in which he complained to the General Secretary of the East Indian Coal Co. Workers' Union against Majumdar, and in which he stated that in the presence of the Colliery Superintendent, Howieson, Majumdar, amongst other things, said: "I must kick out just now—I don't even care for the orders from C.S. or for charge-sheets—I will simply get you out by Chaprasi" was received by the Company. On receipt of this complaint the General Secretary addressed an undated letter to the Colliery Superintendent enclosing a copy of the complaint in these terms. "We beg to enclose herewith a copy of the complaint referred to above, which will speak for itself and shall be obliged if you kindly let us know what you have got to say in this matter. Please treat this as most urgent." On 3rd May 1954 the following charge-sheet was issued by the Company against him:

"You on 7th April 1954 interfered with the distribution of rations and behaved in a disorderly manner with the Rice Godown In-charge and the Issue Clerk. In your alleged letter, dated 20th April 1954 addressed to the General Secretary, The East Indian Coal Co., Workers' Union, you criticised your superior officer."

In his explanation to the charge-sheet Mukherjee denied the charge relating to the incident of 7th April 1954 and pointed out that the management did not complain anything about his conduct for about a month but he was charged on this incident to counter the allegations made in his complaint against the insulting treatment of the Office Manager, Majumdar. He also wanted that the enquiry should be conducted in the presence of the General Secretary and himself.

9. An enquiry was held on 6th May 1954 in the presence of Mukherjee, Howieson, Majumdar and Dharamdas Singh and Sahay, who were the Ration Officers concerned and one, Pairo, who was the person weighing the ration and not in the presence of the General Secretary as was desired by Mukherjee and on 10th May 1954 a report was submitted by Biswas, the Welfare Officer, to the Dy. Colliery Superintendent, finding Mukherjee guilty of misconduct on both the charges. In the letter of 7th May 1954 addressed to the Dy. Colliery Superintendent, Mukherjee stated "With reference to the Statement of Dharamdas Singh and R. K. Sahay I was surprised to see that when they were giving proper factual statements, Shri Majumdar was misguiding them by interfering within, and shifted them away from their views to his own, i.e., he actually forced them to give statements according to his wish by tutoring them during their statements." He also stated "you, yourself being the highest authority, not looking to the justice was also doing the same as Shri Majumdar was doing. So I hereby protest against the statements which I cannot believe to be factual." In his letter of 10th May 1954 he stated "you called me in your office on 6th May 1954 and forced me to give statement on my requesting that I cannot do anything without the General Secretary being present, you showed an arbitrary attitude and coerced me to give a statement. I immediately protested this which I confirm in writing." The reply was sent on 15th May 1954 by the Dy. Colliery Superintendent in which he informed Mukherjee that further facilities would be given to him to explain the charges, but this being a managerial enquiry, he could be present in person only and no other person could be allowed. However, another enquiry was held in the office of the Manager on 17th May 1954, when he stated that he had nothing further to add. The Dy. Colliery Superintendent considered the matter and suspended Mukherjee without pay until the permission of the Tribunal was obtained for dismissal by his letter, dated 20th May 1954.

10. To meet the objection against the maintainability of the application under section 33A it has been contended by the learned Advocate on behalf of Mukherjee that section 33 of the Act has been contravened, because, without permission of the Tribunal the conditions of service of Mukherjee had been altered to his prejudice by suspending him without pay for over 10 days in breach of rule 27 of the Standing Orders.

11. Rule 27 of the Standing Orders entitles the employer to suspend an employee *without pay* pending any enquiry subject to this limitation that the period of suspension should not exceed 10 days. The letter of 7th May 1954 shows that Mukherjee was suspended pending enquiry but not without pay, but it was by letter, dated 20th May 1954 that Mukherjee was suspended from that date without pay pending permission of the Tribunal. The enquiry by the management was completed on 20th May 1954 and the application under Section 33 has been pending before the Tribunal since 2nd June 1954. That being so, the suspension has obviously been without pay for a period over 10 days. It has been urged on behalf of Mukherjee that the enquiry contemplated by Rule 27 does not mean enquiry by the management only but also enquiry by the Tribunal. In support of his contention Shri Sen Gupta relied upon the Assam Oil Co.'s case reported in LAC 1954, page 87, where the learned Labour Appellate Tribunal held that the words 'full enquiry' occurring in the Standing Orders in that case would also cover the enquiry by the Tribunal, whose permission had been applied for to discharge or otherwise punish the workman. The facts of the case and the language of the rule in the Standing Order which had to be considered when the above principle was laid down are different from those in the case before us. Although we doubt its applicability in interpreting Rule 27 of the Standing Orders before us, we shall assume that it does apply and there has been contravention of Section 33 of the Act and proceed to adjudicate upon the dispute raised in the application under Section 33A of the Act.

12. It has been contended by the learned Advocate on behalf of Mukherjee that the charges did not amount to misconduct according to its definition in Rule 27. Sub-rule 1 relates to 'wilful insubordination or disobedience, whether alone or in combination with another or others, of any lawful or reasonable order of a superior.' Sub-rule 5 relates to 'drunkenness, fighting, riotous or disorderly or indecent behaviour.' Sub-rule 14 relates to 'writing of anonymous letters, criticising a superior officer of the Company'. Admittedly, the other sub-rules of rule 27 are not applicable to the facts of the case. The Company's case is that the first charge which relates to the incident of 7th April 1954 is covered by sub-rules 1 and 5 and the second charge which relates to the writing of the letter of 20th April 1954 is covered by sub-rule 14.

13. We are of opinion that the second charge relating to the writing of the letter of 20th April 1954 is not covered by any of the sub-rules of rule 27, as the letter is not an anonymous one. Therefore, the charge of misconduct for writing that letter is not tenable. As regards the first charge, we are of opinion that although it might be covered by sub-rule 5 it must fail for the reason that the Company's case is that the incident of 7th April 1954 was dropped as Mukherjee apologised for the incident. The Company is not, therefore, entitled to dismiss Mukherjee on this charge on the ground of misconduct.

14. We are now called upon to consider whether on the evidence a case for granting discharge has been made out. The answer to the question depends on the truth or otherwise of the allegations contained in the letter of 20th April 1954 to the General Secretary of the Union regarding the incident of 8th April 1954. If the allegations about the incident of that date made by Mukherjee are true, he was justified in approaching the Union Secretary to take up the matter with the Company, and the Company's charges against Mukherjee would, obviously, be malafide and made with a view to victimise him and Mukherjee would be entitled to reinstatement and other consequential reliefs. If, on the other hand, the incident of 8th April 1954 was misrepresented and false allegations were made against Majumdar, as it has been alleged by the Company, it could not ignore the same in the interest of discipline. The view of the Company, in this respect has been expressed in para. 7 of its Written Statement where it was stated "Both the Managing Agents and the local management considered the matter deeply and were of opinion that a thorough investigation should be made in the matter."

15. Although the Company did not pursue the matter at the initial state in connection with the incident of 7th April 1954, it cannot be overlooked because it forms a part of the series of events that had happened leading to the application and has a bearing on the truth or otherwise of the statements made by Mukherjee and Majumdar. In connection with this incident we do not find consistency in the statements made by Mukherjee in his letters and in the Written Statements as regards the cause of his presence in or near the Ration Shop and as to what actually happened. It is a common case that in the past a complaint of this nature resulted in certain very undesirable consequences, which Mukherjee knew and it is quite possible that Mukherjee was conscious of the fact that his interference with the distribution of rations was not proper and, therefore, in our opinion, he tried to justify his presence and his action by putting up inconsistent pleas.

16. Mukherjee and Majumdar have given their respective versions of what happened on 8th April 1954. It must be remembered that what Majumdar said and that which is supposed to have shocked Mukherjee, took him 12 days to bring to the notice of the Union. Mukherjee has explained the delay by saying that he was thinking of the matter and could not decide if he could tolerate the word "kick out". This explanation is an after-thought and cannot be accepted. Mukherjee admits that there was no occasion before to complain about Majumdar's behaviour and also he did not hear from any other staff of the office speaking against him. He further admits that his elder brother is employed there as the Loading Inspector and his nephew was working in the P. F. & Bonus Section. His nephew lost his job and he approached Majumdar several times for giving his nephew his job back and also wanted a job for his brother-in-law. This being his relation with Majumdar it is impossible to believe that Majumdar would express himself in the way he is alleged to have done and particularly in the presence of the official superiors, the Colliery Superintendent, as Majumdar's conduct would not only be insulting to the Colliery Superintendent, but amount probably to an act of indiscipline and insubordination. If Majumdar's attitude was so violent at the time, it cannot be imagined how he could immediately thereafter only warn Mukherjee not to interfere with the Godown staff, but to assist them in all matters, as has been stated by Mukherjee in his letter of 20th April 1954. The only conclusion that we can come to on the materials before us is that Mukherjee made an incorrect representation to the Union Secretary about the incident of 8th April 1954 and what actually did take place was, as has been stated on behalf of the Company, that the seriousness of the consequences of his action being pointed out he expressed his regret and was allowed to go. We believe Majumdar's statement when he said that he told Mukherjee "that if there would have been any labour trouble on account of his false statement then the management would not have tolerated such agitation and fomentation of labour by its own employees" to be true. Probably being disappointed in not being able to get his nephew reinstated or to get a job for his brother-in-law or being actuated by other motives, Mukherjee utilised this warning for making out a case against Majumdar in creating some labour trouble. It is natural for the Company to lose confidence in an employee who was capable of doing such serious mischief and, in our opinion, they will be perfectly justified in discharging him from employment.

17. It has been argued by Shri Sen Gupta on behalf of Mukherjee that if this Tribunal was of opinion that the discharge is justified, Mukherjee should be entitled to relief provided for under section 25G of the Act, because the discharge will be covered by the definition of the term "retrenchment" in the Act. We agree with Shri Sen Gupta's contention and order, in the circumstances of the case, Mukherjee's discharge is justified, but he must be paid by the Company his total emoluments upto the date of publication of this Award from 7th May 1954 and wages for a month in lieu of notice and compensation equivalent to 15 days' average pay for every completed year of service or any part thereof in excess of six months, as provided for under section 25F of the Act. Having regard to the view we have taken about the contravention of section 33 of the Act, we do not think Mukherjee is entitled to any compensation on that account.

(Sd.) J. N. MAJUMDAR, *Chairman.*

(Sd.) H. R. BATHIJA, *Member*

(Sd.) S. P. CHOPRA, *Member.*

[No. LR-2(107)/54.]

New Delhi, the 13th January 1955

S.R.O. 221.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an industrial dispute between the United Industrial Bank Limited, Calcutta, and its workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 18 OF 1954

PRESENT

Shri L. P. Dave, B.A. LL.B.—*Chairman.*

PARTIES

Employers in relation to the United Industrial Bank Limited.

AND

Their workmen.

APPEARANCES

Shri P. C. Bhattacharjee, Chief Accountant, United Industrial Bank Ltd.—
For the employers.

Shri Jatin Bhattacharjee, General Secretary, Bengal Provincial Bank Employees Association and Shri Chitta Bose, Joint Secretary, Bengal Provincial Bank Employees Association—*For the workmen.*

AWARD

By Government of India, Ministry of Labour, Order No. LR.100(21)/54, dated 2nd November 1954, read with Government Order of even number dated 31st August 1954, the industrial dispute between the United Industrial Bank Limited and their workmen on the question as to whether the termination of service of Shri Basanta Kumar Karmakar was justified and the relief, if any, that should be given to him, has been referred for adjudication to this Tribunal.

2. On notices being issued, the workmen filed a written statement contending *inter alia* that the management terminated the services of Shri Basanta Kumar Karmakar who was an employee of the Bank since 1948 from 23rd June, 1952, without notice or pay in lieu thereof. He was not served with any charge sheet nor was he given an opportunity to explain his conduct. No permission was taken from the Sastry Tribunal, though proceedings were pending before that tribunal at that time. It was urged that the Bank's attitude was vindictive and the termination of service of Shri Karmakar were against the principles of natural justice and illegal and he should therefore be reinstated with full salary and allowances from the date of termination of his services.

3. The employer (the bank) filed a written statement contending that Shri Karmakar was guilty of gross misconduct. He remained absent without leave. He did not carry out the directions given to him. He became insolent and used abusive and insulting language towards the General Manager. After considering all the facts and circumstances, the Board of Directors found him guilty of gross misdemeanour and decided to dismiss him. It was urged that he was not entitled to reinstatement or any other relief.

4. At the hearing before me, the parties after some negotiation entered into a compromise and produced a memorandum embodying the terms thereof. Under that compromise, the workmen do not press for the reinstatement of Shri Karmakar. On the other hand, the management have agreed to pay him a sum of Rs. 1000/- (rupees one thousand) plus an amount equal to his own contributions to the provident fund. In my opinion, the compromise is fair and reasonable.

I therefore pass an award in terms of the compromise, a copy of which is attached herewith.

The 6th January, 1955.

(Sd.) L. P. DAVE, *Chairman.*

Central Government's Industrial Tribunal,
Dhanbad.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

REFERENCE No. 18 OF 1954

In the matter of an Industrial Dispute.

BETWEEN

United Industrial Bank Limited.

AND

their employees (concerning the termination of employment of Shri B. K. Karmakar).

The Bank and their employees as represented by the Bengal Provincial Bank Employees Association jointly submit as follows:—

1. Both parties have come to an amicable settlement of this dispute in terms of paragraph 2 hereunder.

2. The association on behalf of the employees and Shri B. K. Karmakar having accepted the termination of employment of Shri B. K. Karmakar and having given up the claims for reinstatement/compensation, the Bank agrees to pay Shri B. K. Karmakar on his reporting to the Office by way of lump sum payment, a

sum of Rupees one Thousand only plus an amount equivalent to his own contributions to the Provident Fund upto the date of his discharge in full and final settlement of his claims upon and dues from the Bank arising from his discharge from the Bank's service.

3. An award may kindly be made in terms of this settlement.

For the UNITED INDUSTRIAL BANK LTD.

The 6th January, 1955.

(Sd.) P. C. BHATTACHARJEE, *Chief Accountant.*

For the employees of the UNITED
INDUSTRIAL BANK LTD.
and for Sri B. K. Karmakar.

(Sd.) J. BHATTACHARJEE, *General Secretary.*
Bengal Provincial Bank Employees Association.

Filed.

(Sd.) L. P. DAVE, *Chairman.*

[No. LR-100(21)/54.]

New Delhi, the 15th January 1955

S.R.O. 222.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the disputes relating to the four Gold Mines of the Kolar Gold Fields, Mysore, and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

I. REFERENCE No. 2 OF 1954

PARTIES

Employers in relation to Nundydroog Gold Mine of the Kolar Gold Fields, Mysore,
AND

Their Workmen.

II. REFERENCE No. 6 OF 1954

PARTIES

Employers in relation to Oorgaum Gold Mine of the Kolar Gold Fields, Mysore,
AND

Their Workmen.

III. REFERENCE No. 7 OF 1954

PARTIES

Employers in relation to Champion Reef Gold Mine, and Mysore Gold Mine, of
the Kolar Gold Fields, Mysore,

AND

Their Workmen.

PRESENT

Shri L. P. Dave, B.A., LL.B.—*Chairman.*

APPEARANCES

For the Management—

Shri T. M. Krishnaswamy Iyer, Advocate, and

Shri T. Rangaswamiengar, Industrial Officer.

For the workmen—

Shri G. V. Ramachar, Advocate, and Shri K. B. Thimmayya, Pleader, for
Nundydroog Mine Labour Association and K.G.F. Non-Covenanted
Officials' Central Union.

Shri S. C. C. Anthoni Pillai, Vice-President, Mysore Mine Labour Association.

Shri V. G. Row, Barrister, and Shri A. S. R. Chari, Advocate—*For Mysore
Mine Workers Union, Champion Reef Mine Labour Association and
Kolar Gold Field Electricity Department Labour Association.*

By Government of India, Ministry of Labour, Order No. LR.2(375)II, dated 30th March 1954, an industrial dispute between the employers in relation to the Nundydroog Gold Mine of the Kolar Gold Fields, Mysore, and their workmen regarding (1) revision of wages, (2) Termination gratuity, and (3) Bonus for the year 1952 was referred for adjudication to this Tribunal. This dispute has been numbered as Reference No. 2 of 1954.

2. By Order of even number, dated 20th April 1954, a dispute between the employers in relation to the Oorgaum Gold Mine of the Kolar Gold Fields, Mysore, and their workmen regarding payment of bonus for the year 1952 was also referred for adjudication to this Tribunal. This dispute has been numbered as Reference No. 6 of 1954.

3. Similarly a dispute between the employers in relation to (1) the Champion Reef Gold Mine, and (2) the Mysore Gold Mine, both of the Kolar Gold Fields, Mysore, and their workmen regarding, (1) Revision of Wages, (2) Termination Gratuity, and (3) Bonus for the year 1952 was referred for adjudication to this Tribunal by Order No. LR.2(375), dated 20th April 1954 and 11th September 1954. This dispute has been numbered as Reference No. 7 of 1954.

4. All these disputes relate to different Gold Mines of the Kolar Gold Fields, Mysore. The dispute regarding bonus for the year 1952 is common to all the four mines namely, Nundydroog Gold Mine, Oorgaum Gold Mine, Champion Reef Gold Mine and Mysore Gold Mine; while the disputes regarding revision of wages and termination gratuity are common to the Nundydroog Gold Mine, the Champion Reef Gold Mine and the Mysore Gold Mine. (There is no dispute regarding revision of wages and termination gratuity in respect of the Oorgaum Gold Mine as the said mine is now closed.)

5. Notices were issued to the parties in all the references. The workmen have appeared through different unions, all of whom have filed statements of demands on behalf of the workmen. The managements have filed replies to the different statements. At the hearing, all the parties made a request that all the three references should be heard together, and that all the evidence recorded and filed in all the three cases should be taken into consideration when giving the awards. As the questions involved in the three references are common, I accepted this request. I now proceed to write a common award regarding all the three references. I shall refer to the claims and demand made by the different workmen and the replies of the managements at the appropriate places.

Wages

6. This is the first subject matter of dispute between the employers and the workmen. It relates to three of the mines (Nundydroog Gold Mine, Mysore Gold Mine, and the Champion Reef Gold Mine), because as I said above, the fourth mine (the Oorgaum Gold Mine) has been closed and hence the question of wages does not affect that mine.

7. It appears that before the last World War, unskilled surface workers were being paid Re. 0-8-0 (minimum) per day, while the unskilled underground workers were paid Re. 0-10-11 (minimum) per day. In addition, they were getting Rs. 3-8-0 per month as good attendance bonus. In 1946-47, there appears to have been an agreement between the employers and the Unions, increasing the rates to Re. 0-13-0 per day in the case of surface workers and Rs. 1-1-0 per day in the case of underground workers. Both categories of workmen were also to get Rs. 17-8-0 per month as dearness allowance. On 1st May 1948, the Mysore Government appointed a Commission known as the KGF Pay Commission. Its report was published in January 1949. That Commission held that it had no power to do anything with regard to wages.

8. Thereafter on 13th May 1949 the Government appointed a Committee known as the KGF Minimum Wage Committee. Its report was published on 25th May 1950. A copy thereof has been produced at Exhibit 30 in Reference No. 2 of 1954. That Committee recommended an increase of Re. 0-3-0 per day in the basic wages of the daily rated workers and Rs. 5 per month in the case of monthly rated workers. It further recommended that the dearness allowance should continue at Rs. 22 per month. It lastly recommended the abolition of attendance bonus which was then being paid at the rate of Rs. 1-8-0 per month. It however appears that the above recommendations of the Committee were not given effect to. Soon thereafter (on 23rd October 1950), there was an agreement between the management and the Unions by which the rate of dearness allowance was fixed at Re. 0-2-3 for every point in excess of 100 in the cost of living index

figure instead of the flat rate of Rs. 22 per month. The payment of grain concessions (which amounted to Rs. 2-9-9 per month) was however abolished under the agreement. The basic rates remained the same. In other words, after this agreement, the surface and underground workers got minimum basic wages of Rc. 0-13-0 and Re. 1-1-0 per day respectively; they also got monthly Dearness Allowance at the rate of Rc. 0-2-3 per point in excess of 100. They further got an attendance bonus of Rs. 1-8-0 per month. These are the rates now in force.

9. The demands of the workmen on this point are not uniform. The workmen represented by Mr. Ramachar demand that the minimum basic wage of a surface worker should be fixed at Rs. 1-8-0 per day and that of an underground worker at Rs. 1-12-0 per day. They do not claim any change in the rate of dearness allowance. The workmen represented by Mr. Row and later on by Mr. Chari have claimed that the minimum basic wage of a surface worker should be Rs. 1-4-0 per day and that of an underground worker Rs. 1-8-0 per day. They have also claimed a change in the Dearness Allowance and urged that the monthly dearness allowance should be Rc. 0-3-0 (instead of Re. 0-2-3) per point in excess of 100 of the index figure. The workmen represented by Mr. Pillai have claimed the same basic wages as those claimed by Mr. Ramachar; but they have claimed monthly dearness allowance at the rate of Re. 0-6-6 per point in excess of the index figure of 100. On the other hand, the management urged that there should be no change whatsoever either in the basic wages or the dearness allowance.

10. Before proceeding further, I may mention that at one stage some of the workmen wanted that the Tribunal should fix the wages and pay scales for all workmen. At the hearing, however, this plea was modified; because it would have involved going into the details about the work done by different categories of workmen. The claim was therefore limited to fixing the minimum wages that a worker should get. It was also said that the actual fixation of wages of other categories of workmen should be left to be decided by the management in light of the minimum wages that may be fixed and if the workmen were not satisfied about the rates so fixed by the management, they would negotiate with the management and/or take other appropriate steps and would get the rates fixed in a proper manner.

11. Thus the only point that I have to consider is as to what should be the minimum wage that a worker should be given in the gold mines. For this purpose, an unskilled surface worker is to be taken as the worker who gets minimum wages. So far as the underground workers are concerned, they run a risk of catching silicosis and have also to work under more difficult conditions than surface workers. Because of this, the underground workers are paid Re. 0-4-0 per day more than the surface workers. All parties are agreed that the underground workers should be paid Rc. 0-4-0 more per day than the surface workers.

12. At the outset, I may mention that it was urged on behalf of the management that in view of the fact that the wages and dearness allowance were fixed by mutual agreement, the Tribunal should not change them unless there was a change in circumstances. An agreement by itself is not a bar to either party claiming revision of the wages fixed by the agreement. Of course, the Tribunal must be satisfied that there are sufficient grounds for doing so.

13. The minimum wage must provide not merely for the bare sustenance of life but for the preservation of the efficiency of the worker. For this purpose, the minimum wage must also provide for some measure of education, medical requirements and amenities. The paying capacity of the industry is not relevant for fixing the minimum wages. If an industry cannot pay the minimum wage, it should close down. These views were expressed by the Fair Wages Committee in their report and were endorsed by the Labour Appellate Tribunal in the well known case of Buckingham & Carnatic Mills Limited, 1951, Vol. II, L.L.J., p. 314. They were also conceded before me on behalf of the managements.

14. Before considering the requirements of a worker for providing sustenance for himself and his family, I may mention that the managements have provided facilities for education, medical requirements, recreation etc. The Labour Investigation Committee appointed by the Government of India under the Chairmanship of Mr. D. V. Rege, I.C.S., have remarked in their report at page 77, "where the employers have looked after their labour by paying a decent living wage, providing good housing accommodation and making provision for the future, etc., labour is much more stable than it is elsewhere. A notable example of this is furnished by the Tatas at Jamshedpur and by the Gold companies in the Kolar Gold Field in South India." At page 274 the Committee has observed: "In mining special mention may be of the Kolar Gold Field, where

all the companies have standardised both wage rates and occupations." At page 350, the Committee states: "The four mining companies of the Kolar Gold Field have constituted a Central Welfare Committee to co-ordinate all welfare work, which includes the provision of a large hospital and five maternity homes, schools, sports clubs, cinema shows, dramatic performances, etc."

15. I may also refer to the report made by Mr. Deshpande regarding an enquiry made by him into the conditions of labour in the Gold Mining Industry in India. At page 15, the report states "All the four Mining Companies situated on the Kolar Gold Field have, for a long time now, taken keen interest in the welfare of their workers and have endeavoured to look after the health and well-being of their operatives and their families. In order to achieve this object, they also constituted a Central Welfare Committee." The report then mentions that "there was a well equipped hospital for medical relief work to the workers and their families and there were five maternity homes; that primary education was entirely free; that there were a large number of sports clubs and dramatic clubs."

16. On the other hand, Mr. Chari drew my attention to certain observations made at page 18 of this report to the following effect:

"On the whole, the relations between the employers and the employees on the Field are cordial and there is no bitterness between the two. There is, however, a general feeling among the workers that there should be a substantial improvement in their earnings by an increase in the wage rates."

17. It may be noted that both the above reports are of the year 1946. It may be that till then, the workmen may have considered their wages to be satisfactory, probably because of their wages being better than wages in the neighbouring areas or because of ignorance or due to other reasons. Actually Mr. Deshpande's report shows that the workmen were feeling that there should be a substantial improvement in their earnings. On the other hand, the observations made in both reports show that even as early as 1946 the companies had looked after the welfare of the workmen by making provision for a large hospital, five maternity homes, schools, sports clubs, cinema shows, and dramatic performances etc. In other words, a provision had been made for some measure of education, medical requirements etc. that are necessary that is for the preservation of his efficiency.

18. So far as the provision for sustenance is concerned, everyone is agreed that the fair wage of a worker should be such as to enable him to maintain himself and his family. The wants of a family and the budget for the same can be divided under five sub-heads, (a) food, (b) housing or house rent, (c) fuel and light, (d) clothing, and (e) miscellaneous expenses. To decide as to what should be the minimum wages, we must consider the normal minimum wants of a family under these heads. One must also decide the size of a normal or a standard family and fix the minimum requirements of a worker on the basis thereof, that is, on the basis of the minimum requirements of a standard family. In the several statements given to me by the different unions and the management, all are agreed that the expenses under the above five heads should be considered for deciding the requirements of a family. There is however a divergence of opinion as to what would be the normal requirements of an individual under the above heads, and as to what would be the expenses thereof. There is also a divergence of opinion as to what should be taken to be the size of a standard family.

19. Taking up this question about the size of a standard family, it may be noted that the Fair Wages Committee has held that the standard family should be considered to be one requiring three consumption units per wage earner. In the Buckingham & Carnatic Mills Limited case also, the Labour Appellate Tribunal has based its award on the assumption that a normal family should be taken to be of three units. The Fair Wages Committee recognised the fact that a workman's family does, in fact, in many cases consist of more consumption units than three. In fact, the Committee collected statistics in respect of a workman's family and annexed a table showing the results in Appendix III of the report. It however took into consideration the fact that in an industrial workers' family, there would be more than one wage earner and the wages of such extra wage earner would be expected to meet the cost of living of consumption units in excess of three. In the Buckingham & Carnatic Mills case, it was conceded on behalf of the workmen that in the matter of determining the minimum wages, the calculation should proceed on the basis that the workmen will have to provide the cost of living of three consumption units only. The management therefore urged that in the present case also we should take a family to consist of three consumption units. I cannot agree with this contention.

20. The Fair Wages Committee was dealing with the working class as a whole without relation to any specific industry. In the Buckingham & Carnatic Mills the case related to a Textile Mill. If it is satisfactorily proved that in a particular industry or for the matter of that in the case of a particular region or particular employer, the workmen's normal family consists of more than three consumption units, I think that in deciding the minimum wages of workmen of that particular employer, the wages should not be confined to meet the expenses of three consumption units only.

21. In this connection, the report of the K. G. F. Minimum Wage Committee may be referred to. That Committee has held that a family of an industrial workman in the K.G.F. gold mine should be taken to consist of 3.43 consumption units. In arriving at this conclusion, the Committee relied on a survey of family budget of the workers in the Kolar Gold Fields conducted by an Assistant of the Labour Commissioner. That Officer was examined by the Committee which also considered the results of the survey made by that officer. As a result thereof, they held that the average working class family in the K.G.F. gold mines consisted of 4.4 units and that the number of earning members per family worked out to be 1.28. On this basis, the average normal family of a workman was held to consist of 3.43 consumption units per earner. It may be noted that this Committee (namely KGF Minimum Wage Committee) had three representatives of the employers sitting on it and that these three representatives of the employers have signed the above report without any note of dissent on this point. That would mean that they were satisfied that the survey of families mentioned at page 39 of the above report was correct. Of course, the employers are not estopped from challenging the correctness of the above finding; but they have not produced any evidence or materials before me from which it could be said that the above finding of the Committee was incorrect. In this connection, I may also refer to the remarks made by Mr. Deshpande at page 21 of his report where he has stated that: "On an average the miner's family consists of 5.25 persons and that unlike industrial workers in other places there is only one earner in the family as there is not much scope for the employment of either workmen or children in the family." This would also mean that the finding of the Fair Wages Committee of taking the normal family of three consumption units should not be accepted in the present case.

22. Neither party has led any evidence about the normal size of a standard family. In view of the finding of the K.G.F. Minimum Wage Committee (which has been subscribed to by all the representatives of the management on it), and in the absence of any evidence to the contrary, I would hold the normal size of a worker's family in the K.G.F. mines to be of 3.43 consumption units (per wage earner).

23. The next question then is as to what should be taken to be the normal and minimum requirements of a workman. For this purpose, we shall have, as I said above, to consider the expenses under five sub-heads. The first is the requirements of food, that is, expenses on diet. As a matter of fact, the expenses under this head constitutes the main item of the expenditure. Several statements have been produced before me in this connection. I was also referred to the reports of Mr. Adyanthaya and also of Dr. Aykroyd. The Labour Appellate Tribunal has considered both these reports in the Buckingham Mills case also referred to and have held that the nutritious diet as given by Dr. Aykroyd should be preferred. The Tribunal has also held that in deciding the minimum wages, expenses that would be incurred by a family in having a balanced nutritious diet should be preferred to those of an unbalanced diet which the workmen were or may be actually taking.

24. The K.G.F. Minimum Wage Committee has held the cost of food of an average family of 4.4 members to be Rs. 12-10-9 in the base year 1936. This amount was based on the survey of a family budget enquiry conducted in 1942. The quantity of consumption of each article (actually) consumed by the family at that time was taken into account for this purpose, and it was found that the average price thereof came to Rs. 12-10-9 for a family of 4.4 members. This was not a proper approach; because in fixing the minimum wages for a family we must take into account the cost that a family would incur for having a balanced and nutritious diet and not the cost of an unbalanced diet which the workmen were actually taking. I would therefore not accept the figures found by K.G.F. Minimum Wage Committee for the expenses of food as correct.

25. The different unions and the managements have produced different statements showing as to what would be the cost of a balanced diet. Unfortunately there is no evidence in support of any of the statements. The Labour Appellate Tribunal in the case of Buckingham & Carnatic Mills above referred to held the

expenses of diet to be Rs. 5-8-0 per unit in the base year of 1936. That case related to the city of Madras. I was told that the cost of living in Kolar Gold Field, was higher than the cost of living in Madras. In the absence of any definite and reliable evidence on the point, I would hold that the expenses on diet should be taken at Rs. 5-8-0 per consumption unit, on the basis of prices prevailing in 1936.

26. Coming to the items under the other heads (house rent, fuel and light, clothing, and miscellaneous expenses) we have no evidence as to what would be the normal expenses under these heads. In the statements produced before me by different unions, different amounts have been claimed under these heads. In this connection, I may refer to the report of the K.G.F. Minimum Wage Committee. That Committee has held the total expenditure under these four heads to be Rs. 7-9-8 for a family consisting of 4.4 members, i.e. Rs. 1-11-8 per consumption unit. There were three representatives of labour on this Committee and these representatives have appended two dissenting notes to the report. One dissenting note was given by two of the members representing labour and the other by the third member representing labour. Even in these dissenting notes, the cost under these four heads together has been stated to be Rs. 9-2-4 and Rs. 9-6-6 respectively for a family consisting of 4.4 consumption units, i.e. Rs. 2-1-3 and Rs. 2-2-2 per unit respectively. The Appellate Tribunal in the Buckingham and Carnatic Mills case has allowed Rs. 3-1-3 per consumption unit in respect of these items; but this is mainly due to their having allowed an amount of Rs. 4 per month for house rent for a family consisting of three members, whereas the expenditure under house rent for a family consisting of 4.4 units in the Kolar Gold Fields has been taken even by the labour representatives on the above Committee to be Re. 0-12-2 and Re. 0-12-9 per month. The expenditure under the heads fuel and light, clothing and miscellaneous expenses has been allowed by the Labour Appellate Tribunal in the above case at the rate of Rs. 2-6-7 per consumption unit. Looking to the figures stated by the labour representatives on the K.G.F. Minimum Wage Committee as the normal expenditure under the above heads, I would allow Rs. 2-0-0 per consumption unit for the total expenditure under the heads fuel and lighting, clothing, house rent, and miscellaneous expenses.

27. Thus the total minimum expenditure required per unit would come to Rs. 7-8-0. As I have already held that the family in the Kolar Gold Fields should be taken to consist of 3.43 consumption units, I would hold that the minimum expense of an industrial worker of the lowest category working in the Kolar Gold Fields would be Rs. 25-11-7 per month for his expenses for preserving his efficiency, on the basis of prices prevailing in the base year 1936. As the workers are paid on a daily basis, they should get Re. 1-0-0 per day, so that the monthly income would come to Rs. 26-0-0. I would therefore hold that the minimum wages (basic) that an unskilled surface worker should get would be Re. 1-0-0 per day on the index figure of 1936. On this basis, the minimum wage of an underground worker would be Rs. 1-4-0 per day.

28. At present, the daily minimum (basic) wages are Re. 0-13-0 and Rs. 1-1-0 in the case of surface and underground workers respectively. The maximum are Re. 0-15-0 and Rs. 1-2-0. The surface worker gets an increment of Re. 0-1-0 per year, while the underground worker gets an increment of Re. 0-0-6 every two years. I am fixing the minimum wages at Re. 1-0-0 and Rs. 1-4-0 respectively, and the next question is as to what should be the maximum for these unskilled workers and what should be the rate of increments.

29. For fixing the maximum pay, the industry's capacity to pay will be one of the factors to be considered. In deciding this, the scale must be considered on an industry cum region basis. The present industry stands by itself; because there are no other gold mines in India. Regarding region also, there is no other industry in the Kolar Gold Fields and the nearest place that can be considered would be Bangalore which is about 60 miles therefrom.

30. It was argued on behalf of the management that the company could not afford to pay higher wages. It may however be noted that the management has only recently introduced a pension scheme for its convenanted employees, which costs the companies large amounts. The Champion Reef Gold Mines, Mysore Gold Mine and the Nundydroog Mine had to contribute sums of Rs. 1,33,866 Rs. 1,74,862 and Rs. 1,67,522 respectively as the (annual) contribution to the pension fund in the year 1952. In other words, the three companies together

spent a sum of nearly 4.3/4th lakhs of rupees in one year for providing for pension for its covenanted employees, who number only 187 for all the three companies together. (See exhibits 62 to 64 in Reference No. 7 of 1954). It may also be noted that the managements voluntarily introduced the pension scheme for these covenanted employees of their own accord. If the companies felt that their resources were sufficient to provide pension for their covenanted employees with retrospective effect, they must be taken to be in a position to give reasonable increments to their other workmen also. In my opinion, the maximum wages for an unskilled surface worker and unskilled underground worker should be fixed at Rs. 1-4-0 and Rs. 1-8-0 per day respectively. Each of the two categories of workmen should get an annual increment of Re. 0-1-0 per day every year. In other words, the minimum wages of pay for unskilled surface workers should be Re. 1-0-0—Re. 0-1-0—Rs. 1-4-0 and those for unskilled underground workers Rs. 1-4-0—Re. 0-1-0—Rs. 1-8-0.

31. As I said above, it was agreed before me that I might fix the minimum wages and the management would revise the wages of all categories of workers on the basis thereof and the workmen would try to negotiate with the management in seeing that the wages were fixed reasonably. In view of this, I do not give any direction about the fixing of wages of other categories of workers; but I do hold that there should be a minimum increase of Re. 0-3-0 per day for all categories of workers.

32. Regarding the wages of monthly rated workers, the scales of pay for the monthly rated staff have been revised from 1st January, 1953. The last grade which is known as "E" grade has been revised to Rs. 60—5—90 (from Rs. 35—4—55). Mr. Ramachar who represented the non-covenanted staff conceded that this revised scale of 'E' grade was reasonable. He however urged that the higher grades should be revised. The revised grades known as "A" to "D" are:

A. Rs. 355—15—475.

B. Rs. 220—12½—345.

C. Rs. 150—10—210.

D. Rs. 100—7½—145.

33. No materials have been placed before me to justify a revision of these wages which appear *prima facie* to be reasonable. It was urged in this connection that the member of the covenanted staff did the same work as non-covenanted monthly staff and there should be no distinction in their pays and that the non-covenanted staff should have the same pay as the covenanted staff. Though there may be some force in this argument, I do not think the company should be ordered to pay the same pay to the non-covenanted staff as they do to the covenanted staff. Members of the covenanted staff are selected because of their special and higher qualifications and because of a likelihood of their being qualified and fit to take up higher responsibilities. In actual practice, there may be a case here and there where a person may have been appointed to the covenanted cadre on other considerations; but that would not mean that the entire system should be scrapped. I do not agree that the scales of pay for non-covenanted staff should be the same as those of the covenanted staff. I therefore do not order any revision of pay for the monthly rated staff.

34. The next question for consideration is about the fixation of dearness allowance. As I mentioned above, the companies were paying a fixed dearness allowance of Rs. 22 per month and a grain concession which amounted to Rs. 2-9-0 per month. The K.G.F. Minimum Wage Committee recommended continuance of dearness allowance at the same rate (i.e. Rs. 22-0-0 per month) and also payment of grain concessions. As I mentioned above, the recommendations of this Committee were however not put into effect. On 23rd October, 1950, there was an agreement between the management and the unions by which the dearness allowance was linked to the cost of living index for Kolar Gold Fields. It was agreed that the monthly dearness allowance should be calculated at the rate of Re. 0-2-3 for every point in excess of 100 in the index figure and that these rates should come into effect from 1st September, 1950. These are the rates of dearness allowance now in force. Some of the workmen have urged that the dearness allowance should be raised to Re. 0-3-0 for every point in excess of 100, while some have claimed that it should be increased to Re. 0-6-0 for every point in

excess of 100. Some of the workmen have also said that no revision is called for in this rate.

35. No materials have been placed before me to justify an increase in the rate of dearness allowance which was fixed by mutual agreement. It is true that dearness allowance at the above rate does not neutralise the expenses occasioned by the rise in the cost of living. It has however been held in several cases that complete neutralisation in the cost of living was not possible. It is true that in the Buckingham and Carnatic Mills case, the Tribunal awarded dearness allowance at the rate of Re. 0-3-0 per point; but it is to be noted that this was the rate which the company was voluntarily paying since 1946. In the present case, the rate has been fixed at Re. 0-2-3 per point from 1st September, 1950 by mutual agreement and there is no reason to change this rate. I would therefore hold that no change is necessary in the dearness allowance.

36. It was lastly urged that the new scales of pay should be given retrospective effect from about 1948. It was contended that the K.G.F. Minimum Wage Committee had recommended an increase in daily rates of wages by Re. 0-3-0 and that though the representatives of the employers on this Committee had also agreed to this increase in the wages, the companies did not implement the terms of that Committee's recommendations, and the companies thereby saved about five lakhs rupees per year. It was urged that the companies should be asked to pay wages at the rates now fixed at least from the date of the Committee's report. I do not agree with this contention.

37. It is true that the Committee recommended an increase in basic wages by Re. 0-3-0 per day. This was however based on the cost of living index at 160 and it was on this cost of living index that the Committee recommended dearness allowance to be continued at the rate of Rs. 22-0-0 per month. Soon after this, there was an agreement between the management and the unions under which the monthly dearness allowance was fixed at Re. 0-2-3 per point in excess of the cost of living index of 100. The result of this agreement was that the workmen got a substantial increase in the dearness allowance. Actually the gross earning of a workman at present is somewhat higher than the gross earning which he would have got if the recommendations of the Minimum Wage Committee had been given full effect to. Of course, with an increase in the basic wages as recommended by the Committee, the workmen would have got a higher contribution from the companies in respect of the provident fund. Even then, if the Minimum Wage Committee Report had been implemented in full as a whole, the workmen would not have been better off than what they have been after the revision in dearness allowance by agreement. I therefore do not agree with the contention that the revised wages should be given retrospective effect from 1948.

38. In view of the fact that the present references were made by Government on 30th March, 1954 and 20th April, 1954, respectively, I would direct that the revised wages should be given effect to from 1st April, 1954 and that the difference in the revised wages and wages actually paid should be given to the workmen within one month from the date of the award becoming enforceable.

Termination Gratuity

39. This brings me to the second question in this case and it is regarding the fixation of a scheme for termination gratuity. The different workmen have demanded that a scheme should be framed under which the workmen would on termination of their services get gratuity at the rate of one month's wages for every year of service. In this connection, some workmen said that the wages for the purpose of counting gratuity should include dearness allowance; that is, some say that the gratuity should be equal to one month's total emoluments for every year of service while some say that it should be equal to one month's basic wages for every year of service. On the other hand, the management urged that they could not afford to have any scheme for gratuity.

40. It appears that originally the companies had a gratuity scheme (Exhibit 59 in Reference No. 2 of 1954). Subsequently however a Provident Fund Scheme was introduced in 1946 and the old employees were given the option to join the new scheme of Provident Fund or to continue to be governed by the Gratuity Scheme; while so far as new entrants were concerned, they were to be governed by the Provident Fund Scheme and they were not to get any gratuity on retirement. It was urged by the workmen that a scheme should be framed under

which all workmen should also get the benefit of gratuity in addition to the provident fund. It may be noted that under the Provident Fund Scheme introduced in 1946, the company contributes 6½ per cent. of the wages of a workman to his provident fund. In 1953, half the dearness allowance has been merged in the wages for the purposes of determining the company's contribution of provident fund.

41. The main ground on which the companies resist the framing of a gratuity scheme is that they are not in a position to pay. In this connection, the workmen urged that the company has been treating the different kinds of workmen in a discriminatory manner in that the covenanted staff are treated much more favourably than others. A provident fund scheme was introduced for the covenanted staff as early as 1924 and the companies contribute 10 per cent. of the wages or pay to the provident fund of each covenanted employee. Later on, the companies have introduced a pension scheme for the covenanted staff. The workmen urged that even if gratuity scheme for the workmen was framed, they would not get the same benefits which the covenanted staff get; because the covenanted staff get 10 per cent. provident fund and also get pension in addition. There is great force in this contention and I would have probably framed a gratuity scheme; but I think that the present condition of the companies is such that it does not justify the framing of a gratuity scheme.

42. Framing of a gratuity scheme would mean that the company would have to create a fund for the purpose and it must start with a sufficient amount to meet the liabilities in respect of past services of the workmen. In this connection; it was urged that the companies had large reserves which could and should be made available for the purpose. On the other hand, the companies urged that the present companies have nothing to do with the old reserves, which have been retained by the sterling companies. I shall revert to this point when considering the question of bonus. But assuming that the companies have sufficient reserves to meet their liability in respect of gratuity for past services of the workmen, I think that at present the companies would not be in a position to make the necessary annual contributions to the gratuity fund in respect of services that may be rendered by the workmen hereafter.

43. The rates of gold have been falling since 1951, with the result that the companies are not making the same profits as before. The balance sheets of the companies upto the year ending 31st December, 1953 have been produced before me at Exhibit 51 in Reference No. 7 of 1954. Taking the balance sheets of the last two years (i.e. 1952 and 1953), we find that after providing for the contribution of the staff provident fund and making a provision for income tax, the Nundydroog Mine made a profit of Rs. 14.08 lakhs and Rs. 8.98 lakhs respectively in these two years. The Champion Reef Mines made a profit of Rs. 18.43 lakhs and Rs. 3.49 lakhs respectively and the Mysore mine Rs. 18.88 lakhs and Rs. 6.14 lakhs respectively. Out of these amounts, provision has to be made (and has been made) for depreciation and development expenditure reserve and also for paying a reasonable dividend to the shareholders. We must also bear in mind the fact that the expenses of the companies would be increased to a considerable extent as a result of the increase in wages given to the workmen by the present award. As a matter of fact, I was told that the increase in basic wages by Re. 0-1-0 per day would cost the Nundydroog, The Champion Reef and the Mysore Mines, Rs. 1.28 lakhs, Rs. 1.19 lakhs, and Rs. 1.63 lakhs respectively per year. As the increase allowed by me in the basic wages is Re. 0-3-0 per day, it would mean that the wage bills of the three companies would go up by about Rs. 3.84 lakhs, Rs. 3.57 lakhs and Rs. 4.84 lakhs respectively per year.

44. It may then be noted that the Nundydroog Mine has paid a dividend of 7½ per cent. in 1952 and six per cent. in 1953. Champion Reef Mine has paid a dividend of 6 per cent. in 1952 but has not paid any dividend in the year 1953. The Mysore Mine has paid a dividend of 6 per cent. both in 1952 and 1953. This would show that at present the companies would not in a position to contribute any amount towards gratuity scheme. It may also be remembered that some provision has been made by Legislation to provide for some relief in case of retrenchment of workmen. In any case, looking to the present financial condition of the working of the mines, I think that the companies would not in a position to contribute towards a gratuity fund. I would therefore not frame any scheme for the same.

Bonus

45. The last question for consideration is regarding bonus for the year 1952. This question is common to all the three references and arises in the case of all

the four mines. The different unions have claimed four months' pay as bonus for this year, but whereas some unions claimed that pay should include dearness allowance for the purpose of bonus, others do not make such a claim. In other words, some unions have claimed four months basic wages as bonus, while others have claimed four months total emoluments as bonus for this year.

46. The general principles regarding grant of bonus are now well settled. The leading case on this point is the Full Bench decision of the Labour Appellate Tribunal between the Mill Owners Association, Bombay, and the Rashtri Mill Mazdoor Sangh, Bombay, reported at 1950, Vol. II, L.L.J. p. 1247. It has been held that bonus is not an *ex gratia* payment but that the workmen are entitled to bonus out of the available surplus on profits made during a particular year. In that case a formula has also been laid down for ascertaining the available surplus for the grant of bonus. It has been held in the case of Nizam Sugar Factory Limited and their workmen, reported at 1952, Vol. I, L.L.J., p. 386, that bonus is payable from the profits of the year in question only and that the balance of profits carried over from a previous year should be excluded in determining this question. The recent Supreme Court decision in the case of Muir Mills Limited (reported in Indian Factories Journal, December 1954 issue, at p. 483) also lays down that unless and until profits are made for a particular year, no question would arise for distribution of any sum as bonus among the workmen. They could make a claim for bonus only if as a result of the joint contribution of capital and labour, the industrial concern had earned profits; and if in any particular year, the working of the concern had not resulted in sufficient profits, there would be no justification for payment of bonus. It has also been held in the Full Bench case above referred to that the workmen of a particular unit of an industry in a particular region could not claim bonus on the ground that other units were able to pay by reason of surplus.

47. The Full Bench case has laid down that from the gross profits made by the concern, deductions should be made for (1) depreciation and reserves for rehabilitation, (2) taxes, (3) interest on share capital and (4) interest on reserves used in the working of the concern and the balance, if any, left after these deductions, should be taken as the available surplus, a portion of which could be used for giving bonus to the workmen.

48. Mr. Ramachar who appeared for some unions contended that the formula laid down in the above Full Bench case should be strictly adhered to and no modification should be made therein. He further urged that if the formula was not applicable in the present case, a new formula (for example, a formula of giving bonus based on production) may have to be enunciated for deciding the question of bonus. If bonus were to be based on production, it would not meet the needs of justice; because in such a case, the working expenses, payment of royalty, taxes, payment of dividends etc. may not be taken into account. A concern may have a large production but its expenses may also accordingly be large. The grant of bonus on the basis of production was refused by the Labour Appellate Tribunal in the case of Deccan Sugar and Abkhari Co. Ltd., Pugalur, 1952, Vol. I, L.L.J., p. 657. I may also refer to the observations made by the Labour Appellate Tribunal in the case of the Oil Mills, Bombay, 1953, Vol. II, L.L.J., p. 246, in para. 6 of their judgment (page 248 column 2) "Our Full Bench decision on the question of bonus was given in respect of the Textile Mills of Bombay; but the principles formulated there are of general application and ought to be applied whenever a question of bonus arises, subject of course, to such modifications as the requirements of any special case may demand". In my opinion, in the present case, the bonus should not be granted on the basis of production; but the formula laid down by the Full Bench case of the Labour Appellate Tribunal should be followed with suitable modifications, if necessary.

49. The companies urged that calculated on this basis there would be no available surplus in 1952 in respect of any of the mines, and hence no bonus could be paid to the workmen of any of the mines. They have prepared statements, according to what they consider to be the calculation for working out available surplus for 1952 and annexed the same with their respective written statements. The actual figures are taken for the balance sheets and account books of the different companies and the correctness of the figures has not been challenged. What has been challenged is that particular deductions claimed by the companies were not admissible.

50. It is not in dispute that the gross incomes of (i) the Oorgaum, (ii) Nundydroog, (iii) Champion Reef, and (iv) Mysore Mines in 1952 were Rs. 83.12, 161.15, 159.73 and 177.86 lakhs respectively. The companies have claimed the following

deductions out of the income, and urge that on this basis, there would be a deficit and no surplus would be available for distribution as bonus:—

Amounts shown are in lakhs

	Nundydroog	Oorgaum	Champion Reef	Mysore
Working expenses (after deducting Bonus paid in respect of previous years) ..	133.41	78.08	114.88	145.13
Royalty	7.99	4.12	7.92	8.83
Income-tax	8.03	.20	13.88	9.25
Provision for Depreciation and development expenditure reserve ..	19.91	11.63	18.19	21.66
Return on Capital ..	9.43	12.02	10.83	20.33
Return on reserves employed in working capital	1.49	.42	1.01	1.62
TOTAL ..	180.26	106.47	166.71	206.82

51. The workmen urge that (i) certain amounts shown as working costs should not be allowed to be deducted, (ii) no amount should be deducted for provision for development expenditure reserve, (iii) the return on capital should be allowed only at the rate of 6 per cent. and not 25 per cent. as claimed by the companies, and (iv) no return should be allowed on reserves said to have been employed as working capital and that at any rate it should not be at more than 2 per cent.

52. Before I proceed to discuss these contentions, I may state that so far as the Oorgaum mine is concerned, there would be no available surplus in 1952 even if all contentions of the workmen were accepted. The company has since been closed, because it was working at a loss. Its gross income in 1952 was Rs. 83.12 lakhs. The working expenses, royalty and income-tax were 78.08; 4.12 and .20 lakhs respectively. Even if the whole amount of 2.25 lakhs paid towards the Pension Fund in the year (see Exhibit 54 of Reference No. 2 of 1954) may not be considered as working expenses, it would mean that the working expenses for the year should be taken as 75.83 lakhs. Similarly even if no amount is to be deducted for development reserve, an amount of 3.17 lakhs would have to be deducted as depreciation as allowed by the Income-tax authorities. (See Exhibit 52 of Reference No. 2 of 1954). Similarly provision would have to be made for allowing six per cent. interest on the capital. Even if no interest is provided on reserves said to have been used as working capital, provision for Rs. 2.88 lakhs would have to be made for allowing 6 per cent. on the subscribed capital (of 48.10 lakhs).

53. Thus, the position of the Oorgaum mine would be as under:

Gross income	Rs. 83.12 lakhs.
Working expenditure	Rs. 75.83 "
Royalty	Rs. 4.12 "
Income-tax	Rs. .20 "
Depreciation	Rs. 3.17 "
Interest on capital.. ..	Rs. 2.88 "
NETT DEFICIT ..	Rs. 3.08 "

54. Thus, there is no available surplus even for providing some interest on share capital. Actually no dividend has been paid to the shareholders for this year, and the mine has since been closed. When a unit makes no profits and has no available surplus, it cannot be ordered to pay bonus, even though other units may have made a profit. That being so, the workmen of Oorgaum mine are not entitled to any bonus for the year 1952.

55. Coming to the other three companies, I now proceed to consider the different objections raised by the workmen in respect of the deductions claimed by the companies in their statements. The first objection is that the amounts paid to the Pension Fund of the covenanted staff should not be included in the working

expenses of the year. It appears that the companies had no pension scheme for any of its employees. On the eve of the formation of the KGF companies, the sterling companies introduced a scheme of giving pensions to their covenanted staff and constituted a Pension Fund for this purpose. A certain initial amount had to be credited to this fund in respect of liability for past services and it was decided that this amount should be credited to that fund by certain instalments. Exhibit 35 in Reference No. 7 of 1954 is a copy of constitution and rules about the pension fund. It shows that the KGF companies were to pay initial contribution of the different amounts mentioned therein in 10 half yearly instalments. In other words, the amount was spread over a period of five years, and each company accordingly paid an amount equal to 1/5th initial contribution during the year 1952. The liability of paying the amount of initial contribution as also the annual contribution for future years was settled on the KGF companies with the result in the year 1952, the Nundydroog, the Champion Reef, and the Mysore Mines contributed Rs. 2.26, 2.18 and 2.38 lakhs respectively towards the initial contribution payable under the formation of the pension fund in addition to paying 1.78, 1.34 and 1.75 lakhs respectively for the annual contribution for that year. (See Exhibits 55, 56, and 57 in Reference No. 2 of 1954).

56. So far as the payment of the annual contribution is concerned, it was a contribution made for services rendered during that year and would certain form part of expenses of that year. It may be that the companies showed more favour to the covenanted staff by providing pension for them, but it could not be said that the expenses incurred (for the contribution in respect of that year) are improper. It should be disallowed.

57. But so far as the amounts paid by the companies towards the initial contribution are concerned, they are amounts paid for the pension contribution in respect of services rendered by these servants to the sterling companies before the KGF companies were formed. Under the agreements between the sterling and KGF companies, the KGF companies may be liable to pay these amounts; but these amounts cannot be considered to be working expenses for the year and cannot be taken into account for ascertaining the available surplus for distribution of bonus to the workmen. Hence, the amounts of Rs. 2.26, 2.18 and 2.38 lakhs respectively paid in respect of initial contribution on creation of the pension fund should be deducted from the amounts claimed as working expenses. That being so, the working expenses of the three mines for 1952 should be taken as Rs. 131.15, 112.70, and 142.75 lakhs respectively.

58. The second objection raised by the workmen is regarding deduction claimed by the companies in respect of development and rehabilitation. The companies have claimed an amount equal to 15 per cent. of the working expenses as provision for depreciation and development expenditure reserve. They urged that under an agreement with the Government of Mysore, they were entitled to deduct 15 per cent. of revenue cost for providing a development expenditure reserve and that this amount should be allowed to be deducted for arriving at the available surplus.

59. In this connection, it was urged that there are vital points of difference between the present and other industries. Industries like cotton, textiles, jute, are regenerating industries; while a mining industry works wasting assets. A mine is not inexhaustible and its life depends upon the volume and richness of ore bodies. All mines came to an end sooner or later, and for the continuance of a mining industry, it is essential that ore reserve should be built up and increased if possible. There would also have to be a constant search for new ore and for this purpose the Government of Mysore had agreed to allow the companies to build up a reserve fund, by taking a sum equal to 15 per cent. of revenue costs every year for this purpose and it was urged that the same should be allowed for rehabilitation.

60. On the other hand, the workmen urged that no amount should be allowed under this head. It was urged that in the case of industries of this type, (that is, where they are wasting assets), the dividends constitute partly interest and partly return of capital and hence no amount should be allowed on the ground of rehabilitation. I do not agree with this contention.

61. The idea of every industry should be to go on working as long as possible so that both the shareholders and the workmen continue to derive income from it. If an industry is closed, it would cause loss not only to the shareholders but also to the workmen who would lose their jobs and it would therefore be in the interest of both that the industry should go on running as far as possible. A mining industry is a wasting asset. Finding of a new ore is always uncertain and requires boring and prospecting at different places. The companies must therefore of necessity conserve their resources for preserving the industry and

continue working the mine or mines at different places. If the company thinks it desirable to conserve its resources for future purpose, it cannot be said that they are doing an improper thing. If they do not do so, it may turn out that after some years the present ores get exhausted and the company would have no funds for prospecting or for working some other mine or mines and in such a case it may have to close down. That would cause a loss to the workmen also. If instead of doing so, the company conserves its reserves and creates a reserve fund for meeting future contingencies and for prospecting, I think it should be considered as a step in the right direction.

62. This aspect has also been accepted by the Mysore Government. It may be noted that the companies are working these mines under leases granted to them by the Mysore Government. Exhibit 45 in Reference No. 7 of 1954 is a copy of a lease between the Mysore Government and the Champion Reef Gold Mines, dated the 25th March, 1935. It is not in dispute that there were similar leases for the other mines. Under the terms of the lease, the company had to pay royalty at particular rates mentioned therein on the adjusted annual profits of the company. These profits were to be ascertained by reference to the published annual accounts of the company and were to be calculated by deducting certain amounts from the income of the company. The deductions included a sum equal to 15 per cent. of the aggregate amount of the expenses of the company shown as debit items in the public revenue account. The company had also agreed that they would in the best and most effectual manner and without inter-mission except when prevented by inevitable accident search for all gold metals, metallic ores, precious stones, coal and other substances of a saleable or merchantable nature within or upon the mining block. This would mean that one of the terms on which the companies got the lease was that they were to go on searching for gold metals and metallic ores, etc., and it was probably for this purpose that a deduction of 15 per cent. of the revenue expenses was to be made for fixing adjusted annual profits for calculation of royalty payable to the State.

63. It appears that in 1940 the Mysore Government enacted the Gold Duty Act. This was probably because the prices of gold went up considerably due to war. It further appears that the gold duty which the companies had to pay under this Act was very heavy and very little margin of profits was left for the companies. On the representations being made by the companies, the Government made rules for granting refund of the duty leviable under the Gold Duty Act. It also appears that this was not found satisfactory. Ultimately after negotiations between the companies and the Government, it was agreed that the Gold Duty Act was to be repealed on certain conditions. Exhibit 46 in Reference No. 7 of 1954 is a copy of the agreement, dated the 20th February, 1949 entered into between the Government and the companies. It mentions among other things that it had been brought to the notice of the Government that owing to the changed conditions in the income and working expenses of the mine, the Gold Duty Act and the Gold Refund Rules were not favourable to and did not provide for or ensure the proper development expenditure of a capital nature essential for the longevity of the mines. This would mean that the expenditure of a capital nature was considered essential for the longevity of the mines and the Government agreed that the company should be allowed to build up a reserve fund for this purpose. The companies agreed to take necessary steps to transfer the seat of management and control of the companies to a place within Mysore State at an early date. It was also agreed that each of the companies would incorporate in the State of Mysore a public company with a limited liability to take over its undertakings and assets situated in the State of Mysore. It was further agreed that a deed of variation would be entered into between the Government and the companies, under which the companies were to contribute certain amounts to the Government out of the net surplus. This surplus was to be ascertained by reference to audited annual accounts and was to mean the difference between the gross income from all sources and the gross amount made up of several items mentioned therein. Item No. 5 there of was "a sum upto 15 per cent. of the aggregate amount of expenses shown as debit items in the public revenue account or income and expenditure account shall be reserved for depreciation and development expenditure of a capital nature such as search for new ore, purchase of machinery, etc., and for renewals and replacements and shall be credited to a separate fund, provided however that the accumulated balance in the said fund less commitments shall not exceed 25 per cent. of the expenses of the losses shown as debit items in their public revenue account of income and expenditure account as the case may be of the first year on which 15 per cent. was calculated or of the last preceding year which ever shall be greater". It also appears that according to the terms of this agreement, the Gold Duty Act was repealed and an agreement was entered into between the Government and the different mines. Exhibit 47 is a copy of the agreement entered into on the 6th April, 1950 between the Government and Nundydroog Mines. It is not in

dispute that similar agreements were entered into between the Government and the other mines.

64. As I stated above, the original lease of 1935 (Exhibit 45 in Reference No. 7 of 1954) also allowed the companies to deduct 15 per cent. of the revenue expenditure, probably for depreciation and development. Apart from the decision in the Full Bench case of Labour Appellate Tribunal above referred to [and the case of Bombay Mills (1952), Vol. I, L.L.J., p. 518, where allocations were allowed for rehabilitation of buildings as well, besides machinery], the companies are entitled under the terms on which they got the mining rights to create a reserve fund for depreciation, and development.

65. The next question would be as to whether they are entitled to the amount as claimed by them. As I said above, they have claimed deduction of a sum equal to 15 per cent. of the working expenses and for this they rely on the above agreements. As I said above I agree that the companies are entitled to make a deduction for providing for rehabilitation including development, prospecting, finding new ores, etc. The question, however, is whether the amount claimed by them is reasonable and proper.

66. The companies have led no evidence whatsoever to show as to what would be the amount that would be required for rehabilitation. They have however relied on the agreements above referred to between the Mysore Government and the companies, and urged that thereunder they are entitled to provide an amount equal to 15 per cent. of the working expenses for this purpose. The agreement (Exhibit 47 in Reference No. 7 of 1954) above referred to does provide that a sum upto 15 per cent. of the aggregate expenses should be reserved for depreciation and development expenditure of a capital nature such as, searching for new ores, purchase of machinery, etc. It is however to be noted that the words used are "upto 15 per cent." and not "equal to 15 per cent.". In other words, 15 per cent. would be the maximum amount that can be claimed by them; but it could be open to them to take a lesser amount (if in fact, a lesser amount was necessary for the purpose). In other words, the companies cannot claim a deduction of 15 per cent. as of right; but they can claim a maximum of 15 per cent. It would be for them to show that in a particular year the maximum of 15 per cent. was required for providing for depreciation and development expenditure.

67. Then again the above provision for providing for depreciation and development expenditure provides that the amounts so debited should be credited to a separate fund. There is an important proviso which lays down "the accumulated balance in the said fund less commitments shall not exceed 25 per cent. of the expenses of the lessees shown as debit items in their public revenue account or income and expenditure account as the case may be of the first year on which the 15 per cent. was calculated or of the last preceding year whichever shall be the greater". In other words, if the balance of the reserve fund meant for depreciation and development expenditure is larger than mentioned in this proviso, the sum which can be claimed under this head in a particular year would be correspondingly less. The total balance, after deduction of amounts spent, is not to exceed 25 per cent. of the expenses shown as debit items in that year or in the preceding year whichever may be greater.

68. In this connection, the companies argued that the balance of this fund in the year 1952 did not exceed 25 per cent. and therefore the managements were entitled to make a deduction of full 15 per cent. for the purpose of depreciation and development expenditure. On the other hand, it was urged on behalf of the workmen that the companies had accumulated large reserves for this. In this connection, they relied on the balance-sheets of the Nundydroog Mines Limited, Mysore Gold Mining Co. Ltd., and the Champion Reef Gold Mines of India Limited. At this stage, I may mention that these companies were the original companies which were running the mines. One of the conditions of the agreement between the Government and the companies (entered into for the purposes of abolition of the Gold Duty Act) above referred to was that the companies would take necessary steps to transfer the seat of the management and control of the companies to a place within the Mysore State. In pursuance of this agreement, the companies known as Nundydroog Mines (KGF) Limited, Mysore Gold Mining Co. (KGF) Ltd., and the Champion Reef Gold Mining Co. of India (KGF) Ltd., [and the Oorgaum Gold Mining Company of India (KGF) Ltd.] were formed. I shall refer to these new companies shortly as the KGF companies while the older companies may be referred to as the sterling companies. The KGF companies were formed to take over the management of the gold mines. At the time when the sterling companies transferred the assets to the KGF companies, the sterling companies retained certain reserves with them. They transferred all their liabilities to the KGF companies; but so far as assets were concerned, they

transferred only the assets situated in India while the assets which were situated in the United Kingdom were not so transferred.

69. The Balance Sheets of the Mysore, Champion Reef, and Nundydroog companies have been produced at Exhibit 51 in Reference No. 7 of 1954. If we compare the figures in the Balance Sheets of the sterling companies for the period ending the 31st March, 1951 with the Balance Sheets of the KGF companies, we find that the sterling companies had the following reserves under the head capital reserve, depreciation and development expenditure with them:—

Mysore Gold Company	£ 247,928
Champion Reef Company.. .. .	£ 209,001
Nundydroog Company	£ 151,340

The amounts shown to the credit of the reserves and surplus under the head depreciation and development expenditure of the KGF companies as having been taken over from the vendor companies (sterling companies) are as under:—

Mysore Gold Company (KGF)	Rs. 12,92,629
Champion Reef (KGF)	Rs. 12,35,573
Nundydroog (KGF)	Rs. 10,60,267

It would be clear from the above figures that a large amount of the reserves under this head was kept over by the sterling companies when they transferred the management to the KGF companies.

70. It was argued on behalf of the companies that it was open to the sterling companies to do so and that we are at present concerned with the KGF companies and we must take the affairs of the KGF companies as they stand. I do not agree with this contention. The sterling companies may have a legal entity different from the KGF companies. It is however to be remembered that the KGF companies were formed in pursuance of an agreement between the sterling companies and the Mysore Government. That agreement was arrived at because the companies wanted to have the Gold Duty Act repealed. The Government agreed to do so on condition that the seat of the management and control of the companies was transferred to India. It was for the purpose of transferring the control and management to a place in India that the KGF companies were formed. In doing so, the sterling companies were bound to hand over all the reserves they had to the KGF companies. In any case, if the companies want to deduct a particular amount out of the profits for providing for depreciation and rehabilitation under a particular agreement, we must look into the agreement as a whole. That agreement provides that the balance after deducting expenses incurred under that head could not exceed 25 per cent. of the expenses of the year. If the argument of the management were to be accepted, it would mean that if the balance of the reserve under this head came to 25 per cent., the companies could break the agreement by creating a new company and transferring the mine to that company without transferring the balance of the reserve under that head. This they cannot do.

71. As I mentioned above, the companies can claim an amount upto 15 per cent. of the expenses for being credited to a reserve fund to be created for depreciation, development, etc., i.e., 15 per cent. is the maximum. In considering whether the maximum of 15 per cent. of the working expenses should be deducted for providing for depreciation and capital expenditure, the balance of reserves under this head would be an important factor and the balance of the fund lying with the sterling companies at the time of transfer would also have to be considered for deciding this. The companies have not produced any evidence to show what were the balances of the sterling companies under this head in the relevant year (namely 1952). They have not produced the accounts of the sterling companies for the year 1952. If they wanted a particular deduction under this head, it was for them to have produced satisfactory evidence to show that by providing 15 per cent. of the expenses during the year 1952 the balance would not exceed 25 per cent. If they have not done so, an adverse inference must be drawn against them, that the balance outstanding under this head of the sterling companies must be 25 per cent. of the total expenses. That being so, the amounts as claimed cannot be allowed to be deducted under this head for capital expenditure.

72. It would however be open to the companies to claim the normal amount for depreciation as allowed by the Income-tax authorities in assessing the income-tax for that year. The amounts of depreciation so allowed for the Nundydroog, Champion Reef, and Mysore Mines are Rs. 5.10, 7.79, 6.79 lakhs respectively. (See Exhibit 52 in Reference No. 2 of 1954). I hold that they are entitled to deduct these amounts for depreciation.

73. The next items of dispute are regarding interest on share capital and on reserves used as working capital. The companies have claimed interest at the rate of 25 per cent. on the share capital and at the rate of 4 per cent. on reserves. It was urged that looking to the risks involved the shareholders ought to get 25 per cent. return on their capital.

74. In the Full Bench case of the Labour Appellate Tribunal referred to, interest at 6 per cent. on the share capital and at 2 per cent. on the reserves used in the working of the concern was allowed. It has been held in subsequent cases that these percentages are not fixed and may be varied in appropriate cases. For instance, in the case of Metro Motors, 1952, Vol. II, L.L.J., pp. 22, 205, it was held that in view of the large risks and uncertain prospects of the automobile trade, a higher rate than 6 per cent. on capital would be justified. In the case of Nizam Sugar Factory, 1952, Vol. I, L.L.J., p. 386, it was held that the Full Bench did not lay down an invariable rule that working capital should be allowed only 2 per cent. interest and no more; and that each case depended on its facts. In that particular case, a return of 4 per cent. was allowed on the working capital.

75. In the present case, we have to remember that amounts are set apart every year not only for depreciation but for rehabilitation and for development expenditure of a capital nature. This would mean that the risk run by the shareholders is not very great. It may further be noted in this connection that between the years 1939 and 1952, the shareholders have got a total dividend of about 190 per cent. In other words, they have got back almost in whole of their capital in addition to more than 6 per cent. interest during these years. Considering these facts, I think that a return at the rate of 9 per cent. on capital would be sufficient.

76. So far as providing of interest on reserves is concerned, it was for the management to have shown as to how much of such reserves were actually used and for what period of time. Merely because the companies had got reserve funds it does not follow that the reserves were actually used in the working of the company in that year.

77. In this connection, I may refer to the case of Bombay Mills, 1952, Vol. I, L.L.J., p. 518, wherein it is held that if the employer makes a claim for return on utilised reserves, he must satisfactorily establish that such reserves were in fact utilised during the year and to what extent. That is, it is for the employers to establish how much of such reserves were actually used and for what periods of time. The same principle has been enunciated in the case of Alcock Ashdown & Co. Ltd., 1952, Vol. I, L.L.J., p. 819. It has been held therein that there must be sufficient evidence before a Tribunal as to utilisation of a fund and the period thereof, if a claim for a return is to succeed.

78. In the absence of any evidence showing that the reserves or part thereof were actually utilised in the working of the company and in the absence of any evidence about the period of time that they were so used, I would not allow any interest on the reserves as claimed by the management.

79. In the result, the deductions that can be allowed would be as under:—

	Nundydroog	Champion Reef	Mysore
Working expenses ..	131.15	112.70	142.75
Royalty ..	7.99	7.92	8.83
Income-tax ..	8.03	13.88	9.25
Depreciation ..	5.10	7.79	6.79
Return on capital ..	3.40	3.90	7.32
TOTAL ..	155.67	146.19	174.94

80. As the total incomes of these three mines were Rs. 161.15, 159.73, and 177.86 lakhs respectively, the available surplus would be Rs. 5.48, 13.54 and 2.92 lakhs respectively (i.e. Rs. 21.94 lakhs for the three taken together).

81. On the question whether the bonus should be given in terms of basic wages or total emoluments, I think that the proper course would be that the bonus should be in terms of basic wages. Such has been the practice of all Tribunals. We have also the views of the Labour Appellate Tribunal on the point expressed

in the oil companies case reported at 1953, Vol. II, L.L.J., p. 246, in para. 15 at page 252, column 1, page 251 at column 2:

"it has hitherto been the general practice to divide 'the available surplus' given as bonus in terms of basic wages, and the Labour Appellate Tribunal has confirmed such practice except in one case where the basic wages were too low. It is without doubt true that the basic wages plus dearness allowance constitute a man's return for the work that he gives, and therefore it would appear at first sight to be more appropriate that workman (labourer and clerk) should get his bonus in terms of his basic wages plus dearness allowance. The argument is without doubt attractive, and if we felt that it was better that bonus should be expressed in terms of basic wages plus dearness allowance we would have certainly adopted it in spite of our previous practice. But upon a careful consideration of the matter we feel that the present practice should not be disturbed. This question was discussed by the Industrial Tribunals of Bombay in 1950, I.C.R. 196 and a Full Bench of the Industrial Court, Bombay, (1950 I.C.R. Supplement 181) where the idea of dearness allowance being added to basic wages for bonus was discarded on the ground that it would disturb the balance of wage differentials. We think that those decisions were sound."

The Appellate Tribunal ultimately decided that there should be a uniform principle of bonus in terms of basic wages.

82. The last question is as to how much bonus should be given to the workmen. In this connection, the companies have filed a statement before me showing that if a bonus equal to $\frac{1}{2}$ month's basic wages were to be given to the workmen the Nundydroog, the Champion Reef and the Mysore Mines would have to incur a net expenditure of Rs. .68, .62, and .82 respectively (Rs. 2.12 lakhs in all). This would be after taking into account the rebate in income-tax that the companies would get in respect of the bonus that they would give to the workmen. That is, the actual amount that the companies would have to pay would be more; but as they will get a refund in income-tax on these amounts, the net amounts work out as above. The amounts include bonus payable to the allied establishments.

83. Taking into account the fact that the total available surplus is Rs. 21.94 lakhs and looking to the fact that the workmen had not got the minimum wages that they ought to have got, I think that the workmen should be given bonus equal to $2\frac{1}{2}$ months basic wages for the year 1952. This bonus would be payable to the workmen of the above three mines, namely, the Nundydroog Gold Mine, the Champion Reef Gold Mine, and the Mysore Gold Mine, including their electricity departments and other allied establishments. I direct that the bonus shall be paid by the companies within six weeks from the date this award becomes enforceable. The payment of bonus shall be subject to the usual conditions applicable thereto. The workmen of the Oorgaum Mines are not entitled to any bonus for 1952.

I pass my award accordingly.

The 31st December, 1954.

(Sd.) L. P. DAVE, *Chairman,*
Central Government's Industrial Tribunal,
Dhanbad.
[No. LR-2(375).]

ORDER

New Delhi, the 14th January 1955

S.R.O. 223.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Pandyan Insurance Co., Ltd., Calcutta Branch, and their workmen, in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, Therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the

Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal at Dhanbad, Constituted under section 7 of the said Act.

THE SCHEDULE

- (1) Scales of Pay of clerical and subordinate-staff.
- (2) Leave—Casual, Privilege, Medical and Quarantine.
- (3) Provident Fund.
- (4) Gratuity.
- (5) Retirement Age.
- (6) Standing Orders.

[No. LR.90(33)/54.]

P. S. EASWARAN, Under Secy.

New Delhi, the 13th January 1955

S.R.O. 224.—In exercise of the powers conferred by section 10 of the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947), the Central Government hereby directs that the following further amendment shall be made in the Coal Mines Labour Welfare Fund Rules, 1949, the same having been previously published as required by sub-section (1) of the said section, namely:—

In the said Rules—

After sub-rule (3) of rule 30 of the Coal Mines Labour Welfare Fund Rules, 1949, the following shall be inserted, namely:—

- “(4) A refund of duty of excise of the nature specified in sub-rule (2) may, subject to the like conditions, be also allowed in respect of the duty of excise collected on coal or coke during the course of its transport from colliery pitheads to railway heads where the duty of excise is again collected on the coal or coke sent from the rail heads to the consuming centres.”

[No. M-1(6)54.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 17th January 1955

S.R.O. 225.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby appoints the 23rd day of January, 1955, as the date on which the provisions of Chapter IV (except sections 44 and 45 thereof, which have already been brought into force), Chapter V and Chapter VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 thereof, which have already been brought into force] of the said Act shall come into force in the following areas of the State of Madhya Bharat, namely:—

Municipal limits and the areas of one mile in radius surrounding the Municipal limits of the following cities of Madhya Bharat:—

1. Indore including Residency Area;
2. Greater Gwalior;
3. Ujjain; and
4. Ratlam.

[No. SS.121(92).]

S.R.O. 226.—The following draft of certain further amendments in the Bombay Dock Workers (Regulation of Employment) Scheme, 1951, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 25th February 1955.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft amendments

In clause 36 of the said Scheme—

(i) After sub-clause (2), the following clauses shall be inserted, namely:—

“(2A) Where in a case reported to the Special Officer under sub-clause (2) he is of opinion that the act of indiscipline or misconduct is so serious that the worker should not be allowed to work any longer, the Special Officer may, pending investigation of the matter and the passing of orders thereon under sub-clause (2), by order in writing delivered to the worker, suspend him.

(2B) Where a worker has been suspended by an order under sub-clause (2A), he shall for the period of suspension be paid a subsistence allowance equivalent to the attendance wages provided in clause 24, and such allowance shall not be recoverable or liable to forfeiture in any case whatsoever:

Provided that where a worker is found not guilty, he shall be entitled to such payments as he would have received under clause 34, the period of suspension being treated as excused attendance for the purpose of that clause:

Provided further that where subsistence allowance has been paid during a particular period, attendance wages under clause 24 shall not be payable in respect of that period.”

(ii) In sub-clause (4), for the expression “sub-clauses (1) and (2),” the expression “sub-clauses (1), (2) and (2A)” shall be substituted.

[No. Fac.73(81).]

S.R.O. 227.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby appoints the 23rd day of January, 1955, as the date on which the provisions of Chapter IV (except sections 44 and 45 thereof, which have already been brought into force), Chapter V and Chapter VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 thereof, which have already been brought into force] of the said Act shall come into force in the following areas of the State of Madras, namely:—

I. Area comprised within the limits of the Coimbatore Municipality.

II. The area comprised within the revenue villages of—

- (a) Telungapalayam;
- (b) Sanganur;
- (c) Ganapathy;
- (d) Uppilpalayam;
- (e) Sawripalayam;
- (f) Singanallur; and
- (g) Kurlchl,

in Coimbatore taluk of the district of Coimbatore.

III. The revenue villages of—

- (a) Irugur; and
- (b) Oddarpalayam,

in Palladam taluk of the district of Coimbatore.

[No. S.S.121(72).]

K. N. NAMBIAR, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

ORDER

New Delhi, the 20th January 1955

S.R.O. 228.—In pursuance of clause 2 of the directions issued under the provisions of each of the enactments specified in the First Schedule to the Order of the Government of India in the Ministry of Information and Broadcasting, S.R.O. No. 3358-A, dated the 11th December 1954, the Central Government, with the previous approval of the Film Advisory Board, Bombay, hereby certifies the films specified in column 2 of the Schedule hereto annexed, in all their language versions, to be of the description specified against each in the corresponding entry of column 5 of the said Schedule.

SCHEDULE

S. No.	Title of the film	Name of the Producer	Source of supply	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film.
1	2	3	4	5
1.	Indian News Review No. 327	Government of India, Films Division Bombay.	Government of India, Films Division, Bombay.	Film dealing with news and current events.
2.	National Library	-do-	-do-	Documentary film.

[No. 1/48/54-F.App/10.]

D. KRISHNA AYYAR, Under Secy.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 19th January 1955

S.R.O. 229.—In the exercise of the powers conferred by section 49 of the Tea Act, 1953 (29 of 1953), the Central Government hereby makes the following amendments to the Tea Rules, 1954, the same having been previously published as required by sub-section (1) of the said section, namely:—

In the said Rules—

1. To sub-rule (1) of rule 24—

(i) the words, figures and letter “as provided in rule 25A” shall be added; and

(ii) the following Explanation shall be added, namely:—

“Explanation.—In this sub-rule and in rule 25A, the expression “low producing area” means a tea estate or sub-division of a tea estate having an actual crop basis, as determined with reference to the area planted therein with tea on the first day of the financial year immediately preceding the financial year to which any application by the owner of such estate or sub-division under rule 23 relates, of less than 456 pounds avoirdupois per acre.”

2. After rule 25 the following rule shall be inserted, namely:—

“25A. Application for allowance for low producing area.—(1) An application for making, in the calculation of the crop basis, an allowance on account of the

area being a low producing area may be made to the Board along with the application for export quota under rule 23.

(2) No such application shall be granted unless the applicant proves to the satisfaction of the Licensing Committee that, had such allowance been granted in the previous year, the crop of the low producing area to which the application relates would nevertheless have not been less than the amount of the enhanced export quota which would be admissible to it by reason of the grant of the allowance:

Provided that the Licensing Committee may reduce the allowance to be granted under this rule by an amount equal to the amount by which the crop of such low producing area appears to be likely to fall below such enhanced export quota in consequence of the grant of the allowance.

(3) If such application is granted, the amount specified in column 2 of Schedule I against the entry in column 1 of that Schedule corresponding to such crop basis shall be added to the actual per acre crop basis of the low producing area to which the application relates.

Provided that the Licensing Committee may reduce the amount of allowance admissible under this sub-rule by the amount determined under the proviso sub-rule (2)."

3. In rule 32, for the words "in the schedule to these rules", the words and figure "in Schedule II" shall be substituted.

4. For the heading "Schedule-Forms (See Rule 32)" occurring after rule 40, the heading "Schedule II"/(See rule 32) shall be substituted, and before the heading as so substituted, the following shall be inserted, namely:—

"SCHEDULE I (See Rule 25A)

Allowances for low producing areas

Low production actual crop basis of the estate in lbs. per acre	Allowance in lbs. per acre
1	2
Not more than 280	48
More than 280 but not more than 283	48
More than 283 but not more than 286	48
More than 286 but not more than 288	48
More than 288 but not more than 291	48
More than 291 but not more than 294	48
More than 294 but not more than 297	48
More than 297 but not more than 299	48
More than 299 but not more than 302	48
More than 302 but not more than 305	48
More than 305 but not more than 308	48
More than 308 but not more than 311	48
More than 311 but not more than 313	48
More than 313 but not more than 316	48
More than 316 but not more than 322	48
More than 322 but not more than 324	47
More than 324 but not more than 327	46
More than 327 but not more than 330	45
More than 330 but not more than 333	44
More than 333 but not more than 336	43
More than 336 but not more than 338	42
More than 338 but not more than 340	41
More than 340 but not more than 343	40
More than 343 but not more than 345	39
More than 345 but not more than 349	38
More than 349 but not more than 352	37
More than 352 but not more than 355	36

I	2
More than 355 but not more than 358	35
More than 358 but not more than 361	34
More than 361 but not more than 363	33
More than 363 but not more than 366	32
More than 366 but not more than 369	31
More than 369 but not more than 372	30
More than 372 but not more than 374	29
More than 374 but not more than 377	28
More than 377 but not more than 380	27
More than 380 but not more than 383	26
More than 383 but not more than 386	25
More than 386 but not more than 388	24
More than 388 but not more than 391	23
More than 391 but not more than 394	22
More than 394 but not more than 397	21
More than 397 but not more than 399	20
More than 399 but not more than 402	19
More than 402 but not more than 405	18
More than 405 but not more than 408	17
More than 408 but not more than 411	16
More than 411 but not more than 413	15
More than 413 but not more than 416	14
More than 416 but not more than 419	13
More than 419 but not more than 422	12
More than 422 but not more than 424	11
More than 424 but not more than 427	10
More than 427 but not more than 430	9
More than 430 but not more than 433	8
More than 433 but not more than 436	7
More than 436 but not more than 438	6
More than 438 but not more than 441	5
More than 441 but not more than 444	4
More than 444 but not more than 447	3
More than 447 but not more than 451	2
More than 451 but less than 456	1

[No. 32(9)Plant/54.]

S. KRISHNASWAMY, Dy. Secy.

ORDER

New Delhi, the 22nd January 1955

S.R.O. 230.—INDRA/6/Am(1).—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (LXV of 1951), and in partial modification of the Order of the Government of India in the Ministry of Commerce and Industry, No. S.R.O. 454, dated the 4th March, 1953, the Central Government hereby appoints Dr. K. L. Ramaswamy, Production Superintendent, Sindri Fertiliser Factory, Sindri, as a member of the Development Council for the scheduled industry engaged in the manufacture and production of Heavy Chemicals (Acids and Fertilisers) to represent the interest of owners of industrial undertakings in the said scheduled industries *vice* Dr. I. H. Grimm who resigned.

[No. 5(3)IA(G)/52.]

P. S. SUNDARAM, Under Secy.

